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South Carolina Bench and Bar

BY

U. R. BROOKS

VOLUME I

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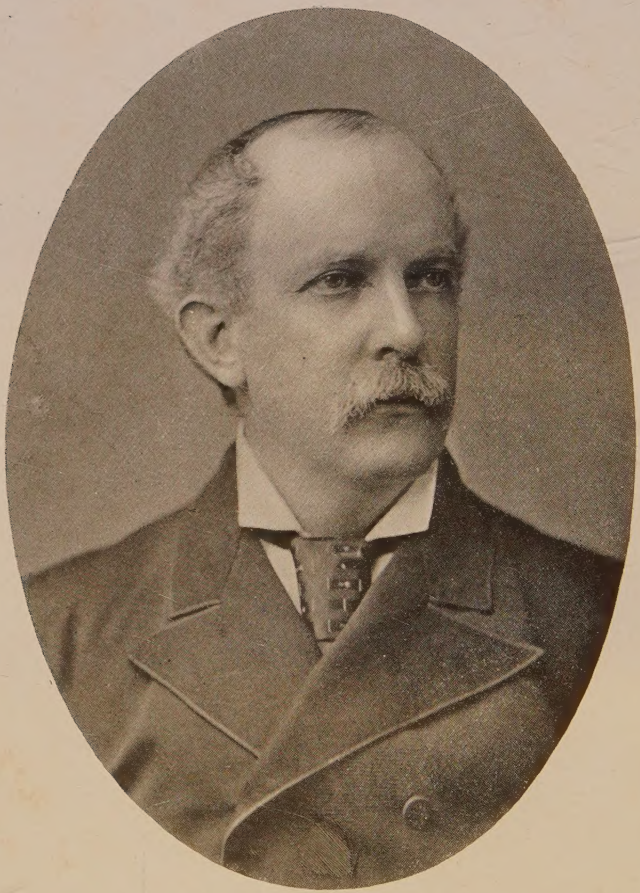


General M. C. Butler

Dedicated

to

General M. C. Butler

Major General C. S. A. 25th August, 1864

1877—Eighteen years in the U. S. Senate—1895

Major General in U. S. A. 28th May, 1898

Patriot, Lawyer, Orator, Soldier, Statesman

"Knightliest of the knightly race
That since the days of old
Have kept the lamp of Chivalry
Alight in hearts of gold"

U. R. Brooks

PREFACE

The most substantial glory of a country is its great men; its prosperity depends on the aptitude of the people to learn from their example.

There has been no time in the history of South Carolina, Province or State, in which the services of bench and bar have been of more consequence to the community than in that of the fifty years that this work will cover, and none in which the profession has been adorned with greater genius or more profound learning.

The battle fields of the South are strewed with the graves of learned lawyers who proved themselves equally capable as leaders in the war to which their patriotism called them as they had been leaders at the bar and in the Senate Chamber. And when the war was over the Reconstruction measures of Congress called for the exercise of the highest qualities of the profession. New and profound questions arose in regard to the fundamental principles of government, and their application to the anomalous condition of the reconstructed States. These had all to be met by the survivors of the war, and their sons, who had obtained their education amidst the greatest difficulties during the long war. We propose to give a true story of the brilliant record of the professional struggles of those who bore themselves so nobly and patiently and successfully through this period.

South Carolina, though one of the smallest States in the Union, has made more history and preserved less than any other State. This statement is especially true of the bench and bar. Many of the ablest judges, whose learning and dignity added a lustre and honor to the American bench and whose decisions are cited with admiration and respect throughout both hemispheres, presided over her courts. Every county in the State has produced great lawyers. The learning, eloquence and high character of the bar of this State is well known already, and constitute one of the brightest pages in her history.

It has been said that lawyers work hard, live well, and die poor; this is true in a great many cases. And again we are told

that one-third of the lawyers die young, one-third drop out of the profession, and the other third rule the country; there is much truth in this statement.

"All my life long
I have held with most respect the man
Who knew himself and knew the ways before him;
And from amongst them chose considerately
With a clear foresight—not a blindfold courage,
And having chosen, with a steadfast mind pursued his purpose."

We are very grateful for the valuable assistance rendered by our friends in this work.

U. R. BROOKS.

THE SOUTH CAROLINA JUDGE.

(Spartanburg Correspondent in the News and Courier of July 2, 1901.)

Dr. Carlisle made a most interesting and suggestive talk to the teachers Saturday evening, his subject being "The South Carolina Judge." It did not seem a very attractive subject for teachers, three-fourths of them being women and no path blazed out from the teacher's desk to the bench. But he was especially interesting in holding up and illustrating the dignity, the integrity and the incorruptibility of the South Carolina judges.

He said that in May, 1842, a body of students might have been seen walking Main street, in Columbia, and turning in at the court-house, where the Court of Appeals was sitting.

It must be remembered that the Court of Appeals was made up of the circuit judges sitting together twice a year. In 1842 those students saw the following judges, with their gowns on, sitting in the Court of Appeals: Richardson, O'Neall, Evans, Earle, Butler, and Wardlaw.

The chancellors at that time were David Johnson, John Johnson, Dunkin, and Harper. These names and the memories of this distinguished body of men are preserved only in "O'Neall's Bench and Bar," the "Sketches by Governor Perry," and in a few memorial pamphlets. But it is not the men that are to be considered, but the dignity, the influence, the conservative power of the office that rises above the individual. These are some of the characteristics of the old judicial system.

The judges were chosen by the General Assembly, and their office was for life or good behavior. This made them independent. While their salaries were not large, they afforded a competency for ordinary wants. The law was that salaries could not be changed during the tenure of office. So it perhaps happened that one of the judges would receive $2,500 and some of the others $3,000. If a law was passed raising salaries it did not apply to those in office.

The only way out of that was for a low salary judge to send in his resignation, which would be promptly accepted, and then he would be reëlected at once and draw the salary then in force.

There is only one instance of a judge resigning in order that he might draw a larger salary. That was Judge Huger. In no case where a judge sent in his resignation did he fail of reëlection. In a few instances there was considerable opposition.

When Daniel Huger, after he had settled down, considered his outlook in life, he came to the conclusion that only two roads were open to him. He must either lead the life of a planter or study law. He chose the latter course, was elected judge and United States senator. * * *

Being an ardent Union man, he resigned his seat in the United States Senate to permit Calhoun's election.

The judges borrowed the gown from England, for South Carolina was closer to the mother country than any of the States. Rich men would send their sons back home to be educated. By that association the gown and the sheriff, with cocked hat and sword escorting the judge to and from the court-house, became customs here.

One hundred years ago lawyers wore gowns. In the old days the greatest deference was paid judges. The fraternal feeling, the spirit of the body, was marked. The judges met in Columbia twice a year. They boarded at the same house, not at a hotel, but a private house, and that brought about a close relationship. Judge O'Neall never spoke in private conservation of Judge Richardson, or any other judge, but it was "my brother Butler, or Wardlaw."

In 1845, after an earnest debate, a law was passed limiting the term of a judge, so that when he reached sixty-five years the office would be vacated. While that law was signed by the Speaker of the House and President of the Senate, it never became operative. But after that an effort was made to get Judge Richardson out of office on account of weakening and failing mental powers. The only way to accomplish that was by impeachment, so he was impeached and defended his own case.

When the Senate had assembled to try him the President, W. F. Colcock, rose and said that they would hear what Judge Richardson had to say. The Judge had a table and some books on it in the aisle of the Senate Chamber. He arose and made such a clear, logical, forceful argument that the Senate was convinced that his mental powers were all right and the impeachment failed.

In the colonial days no unworthy judge was sent out from England.

Judge Grimke was impeached in 1811, not for want of integrity or ability, but because of his rude and overbearing spirit.

There was an impeachment in 1830. Judge William Dobein James had been on the bench thirty years, and had yielded to subtle, overpowering, debasing appetite for strong drink. He had reached a point where he could not resist the temptation. While the office was vacated, resolutions were passed endorsing the integrity of the unfortunate judge. Since that day several judges have approached close to the danger line.

No judge has ever been impeached for corruption in office. There were able lawyers in the State who could not accept a judgeship.

James L. Petigru belonged to that class. He needed more money than the salary given to a judge. Judge Longstreet, of Georgia, though not a member of the church, opened his court with a short prayer. There is no recorded instance of a South Carolina court being thus opened.

Dr. Carlisle alluded to the three judges who have recently died and said that the breed of noble men and just judges had not died out. When England's king dies, immediately the proclamation is made in due form, "The king is dead, long live the king!" Let this be the earnest wish and prayer of every citizen when South Carolina judges pass away: "Let this judge or that one die, but long live the South Carolina judge."

OPENING COURT WITH PRAYER

A CORRESPONDENT CITES THE PROCEEDINGS AT THE OPENING OF THE FIRST COURT IN THE PEE-DEE IN 1772 AS PROOF THAT JUDGE LONGSTREET IS NOT ENTITLED TO THE CREDIT OF HAVING ORIGINATED THE CUSTOM IN THIS STATE.

To the Editor of the News and Courier:

We see that Dr. Carlisle, in his talk to the teachers at Spartanburg on "The South Carolina Judge," spoke of Judge Longstreet, of Georgia, opening his court with prayer, and remarked that "there is no recorded instance of a South Carolina court being thus opened."

I ask attention to a few words from Bishop Gregg's "History of the Old Cheraws" in this connection. On page 196 we read as follows: "On Monday, 16th of November (1772), henceforth to be a day memorable in the history of the Pee-Dee, the court was to open at Long Bluff." Long Bluff is in Darlington county, near Society Hill, on the Pee-Dee river. Speaking further of this "memorable day," when the court was to have its first sitting among the people of the Pee-Dee, the historian says: "Happily for them and for their children, the administration of justice in their midst on so august an occasion was not to commence without first invoking the blessing of Heaven and recalling the sanction of that holy religion established by Him who is the Lord and Judge of all the earth. In attendance, therefore, with the pious custom of the time, a 'sessions sermon' was preached on the morning of the 16th, before the opening of the court, by the Rev. Nicklas Bidgood, pastor of the Welch Neck church. * * * The thoughts of all present were directed to a judgment in the end of the world from which there is to be no appeal."

Then, further on in the same book, we read of the convictions and sentences at this first court on the old Pee-Dee: "Jacob Tilley, convicted of horse stealing, was sentenced to thirty-nine lashes and to have his right ear cut off. Randall Johnson, convicted of larceny, was burnt in the hand." And further on we find Macallistre, found guilty of forgery, and was "sentenced to stand in the pillory and to be publickly whipt."

It is of interest to note, too, that at Long Bluff a court-house, a gaol, a pillory and a whipping post were put up.

Dr. Carlisle did well in selecting the theme he did for our teachers. Our own State history is certainly full of facts of much interest and of profit for us to know.

J. J. D.

Darlington, July 2.

AEDANUS BURKE.

By Governor B. F. Perry.

On my return from Spartanburg Court of Equity the other day I stopped at my friend's, Dr. James Bivings, and the name of Judge Burke was accidentally mentioned. The latter told me that he then had in his house the veritable walking stick of this distinguished gentleman. I asked to see it, and expressed great interest in it as a relic of one about whom I had heard so much. It was made of a West India stick, with a neat ivory head. The stick had been presented to a gentleman in Camden, who gave it to Dr. Bivings. A few days afterwards I received the walking cane, with a kind note from the doctor stating that he begged me to accept it as an evidence of his regard for me. He had left the stick, in his will, to his son, but thinking I would appreciate it more than his son, he gave it to me.

Judge Burke had passed off the scene of action long before my day and time; but I have heard so many anecdotes of him, and so many strang stories of his eccentricity and humor, that I am induced to include him in my sketches.

Aedanus Burke was an Irishman by birth, and came to South Carolina from one of the West India islands at the commencement of our troubles with the mother country. He was republican by nature, as all Irishmen are, and he determined to link his fate with the independence of the colonies. He entered the army, and in 1778 he was elected a judge of South Carolina, and also a member of Congress whilst he sat on the bench, and continued to sit there. When the government was first organized under the federal constitution, he was elected one of the senators from South Carolina. Afterwards he was elected one of the chancellors of the State.

Judge Burke died an old bachelor, and in his will he left a maiden lady in Charleston six hundred pounds sterling, and gave as a reason for leaving this legacy, that he had courted the lady ten years, and "before his God he believed that, if he had persevered, she would have had him." Whilst holding court at "Ninety-Six," just after the Revolutionary War, a man was tried

before him for horse stealing, and acquitted under the treaty of peace between the United States and Great Britain as to an amnesty for all past offenses. He had been a noted Tory and plunderer and murderer. General Butler, with a party of friends, went into the court-house, took him out and hung him to a tree in the courtyard. The wife of the unfortunate man rushed into the presence of the judge and besought him to save the life of her husband. He replied to her: "Good woman, before God, they will hang me if I attempt to interfere." He ordered his horses and left the court.

Judge Burke was once the second of Colonel Aaron Burr, in one of his duels, and in loading his pistol did not ram the bullet down on the powder. Colonel Burr saw this, and protested against it as the pistol was handed to him, but the Judge said: "Never mind, Colonel, the gentleman is waiting on you, and the next time I will grease the patching!" Whilst in Congress he resented some expression of Alexander Hamilton about the cowardice of the militia at the battle of Camden. The Colonel replied by saying he did not particularly allude to the militia of South Carolina. Judge Burke replied that he did not particularly allude to Colonel Hamilton in pronouncing the charge to be false.

Judge Colcock, who was solicitor at the time, told me the following anecdote: He was prosecuting a man before Judge Burke, for hog stealing, who had been a member of the Legislature and captain of the militia. Judge Burke charged the jury to acquit the prisoner before leaving their box, which they did. At dinner the Judge said to the Solicitor: "Before God, that fellow stole the pig." "Why, then," said the Solicitor, "did you advise the jury to acquit him?" "For the honor of the State, sir. Would you have it go abroad, sir, that a member of your Parliament and a captain of your trained band was guilty of hog stealing?"

Riding the circuit one day with a number of lawyers, one of them was thrown from his horse and killed. Judge Burke came up, and after expressing deep sorrow at the unfortunate death of the lawyer, he said: "And think, too, that so clever a man should be killed by such a damned tackey of a horse!"

Judge Burke was no temperate man, but prided himself in drinking good liquors. Whilst holding court, at some place, there

was nothing to drink but corn whiskey. The Judge drank of it as he would have done of a bottle of claret, and got gloriously drunk. As they were carrying him from the table some wag slipped two or three silver spoons into his pocket. The next morning, in dressing, his Honor discovered the spoons and inquired of his servant if he knew anything about them. The boy replied that he did not know how they came in his pocket; but he recognized them as belonging to the landlady. The Judge was a good deal disturbed, and exclaimed: "Before God, I thought I was an honest man. I do not remember ever to have stolen anything before when I was drunk. It must have been that vile stuff they call corn whiskey which prompted me to steal these spoons."

Some time afterwards there was a case of larceny tried before him, and it appeared in evidence that the offender was drunk when he committed the theft. His Honor inquired if the witnesses could tell him what kind of liquor the fellow had been drinking. He was informed that it was corn whiskey; thereupon he turned to the jury and said: "Before God, gentlemen of the jury, you ought to acquit the prisoner. I know, from my own experience, that corn whiskey does give a man a propensity to steal; and, his reason being dethroned, he should not be held responsible for his larceny."

Chief Justice O'Neall tells the following story of Judge Burke, who was very absent-minded: He was riding the circuit on horseback, with a servant mounted on another horse behind. The Judge was in a brown study, and his servant rode up pretty close to him, whereupon his horse kicked the servant on the leg. Jumping off his horse, the boy picked up a stone and threw it at his master's horse, which struck his honor on the back. Turning around, he saw his servant in seeming great agony, and inquired what was the matter. The servant told him that his horse had kicked him on the leg. "And before God," replied the Judge, "he kicked me, too, just between the shoulders."

In going in court one morning he mistook an old black silk dress of the landlady's for his judicial robe! As he mounted the judge's seat he began to unfold the dress, and was for some time turning it about and trying in vain to get into it, to the great amusement of the bar and spectators. "Before God," he exclaimed, "some devil has sewed it up in front."

Judge Burke was a man of great ability, and spoke and wrote well. He was the author of a pamphlet against the "Cincinnati Society" which excited great popular favor against the hereditary features of the society and produced a reformation in that respect. Just before the Judge died his physician told him that he would have to tap him for the dropsy. "Before God, then," said the Judge, "my days are numbered, for nothing was ever tapped in this house that lasted long."

Judge Burke lived to a good old age, and was a Chancellor of the State at his death. He was in the habit of sitting in Congress whilst he was a Judge of the State, which caused the passage of the law prohibiting a Judge leaving the State without permission of the Legislature.

No. 1—Judge A. P. Butler
No. 2—Judge Dawkins
No. 3—Judge Munro
No. 4—Judge D. L. Wardlaw
No. 5—Judge Whitner
No. 6—Judge Glover

MEMOIR OF JUDGE A. P. BUTLER.

By Judge A. P. Aldrich.

Great lawyers do not, generally, live in history unless their contemporaries chronicle their performances. They are men of thought and speech, who electrify an audience, give unwearied study and preparation to a case, make great arguments which live in the memories of those who hear them, and die with the generation. The triumph of success is their only reward. The great labor, the constant thought, the day and night study that helps them to produce the severe logic, the magnificent burst of eloquence, the argument that convinces the mind and electrifies the jury and the audience, pass away with the occasion, and only live in the memories of those who heard them, and can be no more reproduced. He could not do it himself, because the inspiration is gone; and no reporter can do it, because he could only write the words, but never give a picture of the man as he stood, glorified in his burning eloquence.

We know that Legare, and Preston, and Hayne, and Petigru, and Butler, the subject of this memoir, were great lawyers, but where are their speeches? Their triumphs are traditions; the men who heard them, tell you of their success, give you an idea of their splendid eloquence; but who can repeat a single speech, or make you realize the effect produced by one of their magnificent orations? I repeat, I doubt if any of them could have done it himself. I have written many a speech which all would recognize as the speech delivered, but many passages have been changed in the inspiration of the moment, impossible for me to recall.

We can say he made a grand speech in such a case, he convinced the court and jury in such a case, he electrified the audience on such an occasion; but who can tell what he said, or who can describe how he said it?

Such is the glory of the great lawyer; he lives by tradition, but his grand performances make no part of history. Some splendid sentence, some bright flash of wit, some sharp repartee, may come down in the memories of men; but the perfect conception

the great speech, the magnificent triumph of art and eloquence—these are forever lost. The dulcet tones, the pleading, persuasive words, the bitter invective, the rich eloquence in which all were clothed, can never be reproduced.

I have been thinking a long time of writing a memoir of my friend, Judge Butler, one of the grandest advocates who ever lived in South Carolina; but the material out of which to write is so scant that it has deterred me from the attempt. And more than this, I had not the time or the heart to venture it in all these long years of mortification and misrule. Whenever I turned my mind to the subject I felt that his spirit chafed to think that honor was paid to him while his beloved South Carolina writhed under foreign and servile rule, for he was as ardent a patriot as ever rejoiced in God's blessed sunlight. And so I would tie up the bundle of the few sketches I had collected, and wait for better days. Now those days have come; how am I to make posterity understand and appreciate the splendid performance which made Judge Butler a marked man among the great men who have adorned the history of the State? I know he was a great lawyer; I know he was one of the most impassioned orators who ever addressed a jury or an audience; I have heard him charge a jury with all the learning and acuteness of the most accomplished judge. He was not a *case* judge, but a lawyer who dealt with principles, who never needed a case except to illustrate the principle.

But when I come to record what he has done I cannot find it. I am not satisfied; it lives only in memory, it has its impress; we all, who knew him, feel it; we all know it, but there is no record. And so it is with Preston, and Legare, and Hayne, and Petigru, and all of our great lawyers; they achieved grand success and are dead—that is all we can say.

Judge Butler's opinions, in the South Carolina Reports, give you a correct idea of the man; they are tame, lifeless things compared with his speeches or his charges. Now and then you see a flash which gives you a faint conception of what he was; but how far short do they fall of the reality of the scholar, the advocate, the orator, as he stood forth in life and strong manhood, clothed in the full armor of his grand gifts of eloquence, action, pathos, and convincing argument! No pen picture can paint the man as he lived and acted; from a meagre, faint

description the imagination must supply deficiencies, and it must be a rich imagination to conceive the real man.

Andrew Pickens Butler, the son of General William Butler, and his wife, Mrs. Behethland Foote Butler, who was a Miss Moore, was born in Edgefield on the 18th of November, 1796. He graduated in the South Carolina College in 1817, was admitted to the bar in 1818, elected one of the law judges in 1833, to the United States Senate in 1846, and was chairman of the judiciary committee of that then august body.

AS A LAWYER.

Judge Butler rose rapidly to the highest rank in his profession, and the best proof of his marked ability is the fact that he met as competitors such distinguished orators as McDuffie, Preston, the Wardlaws, Bauskett, Bacon, Glasscock, Griffin, Burt, and a host of other shining lights who have adorned the bench, the Senate Chamber, and illustrated the profession. The universal testimony of his contemporaries is that he was one of the most adroit, able and eloquent advocates who ever adorned the bar of the State.

His eloquence was not of that untrained order which characterized the speeches of McDuffie, Preston, Legare and Hayne, but rather impassioned bursts which seemed to take possession of the man, inspire him, and carry away captive his audience. He commenced the practice in Columbia, but soon removed to Edgefield as his headquarters and enlisted a large and lucrative clientage there and in Barnwell, Orangeburg, Lexington and Newberry; in all of these districts he met foemen worthy of his steel. I need but name a few to show how able were the lawyers among whom he stood in the first rank: Wardlaw and Burt, of Abbeville; Bauskett and Griffin, of Edgefield; Patterson and Bellinger, of Barnwell; Martin, of Beaufort; Glover, of Orangeburg; Gregg and Preston, of Richland; O'Neall, of Newberry—they were the giants with whom he contended, and they all bore testimony to his industrious labor, wonderful skill and wise judgment in the conduct of his causes. His wit and humor were unfailing, his invective scathing, his power of illustration unsurpassed, and at times his pathos would melt to tears.

But all the men who heard him, with one or two exceptions,

are dead and gone; and he has left no record of his great triumphs as an advocate and a lawyer. I do not know that I can give a better idea of what I mean than by a quotation from one of his own letters to Mrs. Hayne, the mother of his second wife:

"There is a wisdom in the dispensations of God far beyond our conception. The developments of tomorrow only dispel the flattering or distressing fallacies of today. Man, in the proudest exhibition of his earthly nature, is but an evanescent creation, leaving an impression on the memory of a few. It is only in the fulfilment of the unknown but wise designs of Providence that he assimilates himself to Divine dignity."

AS A LEGISLATOR

His career was equally successful; but here, as at the bar, his fame is only traditionary,—there is no record. In 1824 he was elected to the House of Representatives from Edgefield, and immediately took a high stand. In 1827-28 he was appointed one of the committee to impeach Judge James, which was successfully done, and which proves that Judge Butler had impressed himself on the House.

This painful duty was well performed, and, so far as I can see, it was the only case in which he preserved the notes of his argument. I doubt not it was the most painful duty of his life, for a kinder heart never beat in human bosom. He commenced by saying: "The impeachment is conducted in sorrow"; and I feel sure, from his notes of argument, he paid a splendid tribute to the military character and services of the impeached, for I find these sentences: "It has been their painful duty to arraign before this august tribunal an old, infirm man, high in station and endeared to us by many recollections; a man who has many claims to our gratitude." * * * "It is to be conducted against a soldier of the Revolution; it is to be conducted against a man who has a name with which all that is gallant is associated," * * * "and who has reflected upon him the fame of a general who deserves to be considered the shield of South Carolina." And so on, throughout the notes of his argument, are these ejaculations thrown out. No wonder, as a contemporary writes, "he more than once whispered to his friend who was counsel for

the defense, 'I wish I could change places with you.'" He continues: "But while this sensibility was apparent throughout the trial, his duty was faithfully and sorrowfully discharged, and his speech for the prosecution, upon the close of the testimony, was a most vigorous and powerful effort, in the general estimation surpassing those of the very clever gentlemen, his associates." When the Senate "rendered its decision, adverse to the old Judge, a shower of tears streamed Mr. Butler's cheeks, and he buried his face in his hands until he was relieved by the dispersing of the crowd. In this, his earliest exhibition on a conspicuous stage, he manifested all his prominent characteristics, rich talent, extensive knowledge of law, conscientious devotion to duty, and that activity and tenderness of sensibility which promptly springs into tears upon occasions of pathetic excitement. He was tender and true, soft and bold,—soft as a woman, and bold as a lion. His nature was impulsive and explosive."

In the great nullification contest he was a power, and his clarion voice was heard from the seaboard to the mountains, at public meetings, in the conventions, in the Legislature, his whole soul, fired by patriotism, chivalry and duty, went forth; and yet, of all these magnificent orations, not a single sentence has been preserved. I heard him, when I was a youth, make a speech in the circus in Charleston. Mr. McDuffie spoke on the same occasion; and my recollection is that Butler's made the most profound impression. The audience seemed to grow wild, although I do not recollect a word he said.

That was the first time I ever saw the man. He was not distinguished enough to be put upon the stage, among the great orators of the party, but he spoke from the the ring where the horses run around, and as his grand sentences rolled out he would shake his head and his hair streamed out like a mane; he did not speak more than half an hour, but men sprang to their feet and shouted in wild enthusiasm. Such a speech could not be reported; it is felt, but I doubt if a man who heard it remembers a single word.

The late Mr. Edmund Bellinger, Jr., who was a Union man, and, therefore, an impartial judge, told me that he was in the State Senate Chamber the day General Jackson's proclamation was read; that, during the reading, Butler, then Senator from Edgefield, sat in his chair, with both hands convulsively clasped

on the arms, and that as soon as the reading was finished he sprang to his feet and for fifteen or twenty minutes poured forth such a torrent of indignant eloquence as he had never heard before or since, and that when he took his seat the Senate adjourned without another word. And, like me, Mr. Bellinger did not recollect a single word of that speech, nor is a line of it reported. I asked Judge Butler about it, and his reply was: "I don't know; my whole soul was in it; I was relieved to pour out my indignation, and when I was done I fell back exhausted." Tell me that man was no orator! His friend, Judge O'Neall, says he was not. He is mistaken; he was no actor, but he was a grand orator. Nature gifted him with a generous heart, a patriotic devotion, grand impulses, burning enthusiasm, and he expressed himself naturally in glowing phrases. That is an orator,—he felt himself and made others feel.

In 1833 he was elected

A JUDGE.

Some of Judge Butler's friends feared he was too much of an advocate to make a good judge. This is not an uncommon mistake. I have often heard the remark made, "he is a good jury lawyer, but he is not a good judge of law," as applied to lawyers whose eloquence of speech and power of argument captivated the jury and carried the case. Senseless enough, but always intended to detract, for I have never heard the criticism except from some plodder, slow of speech, whose rhetoric was as cumbersome as the law tomes he referred to with tiresome persistency.

The same thing was said of Mr. Preston and Mr. Legare, two of the grandest lawyers that this or any other State ever produced. I remember hearing that at dinner, on circuit, some complimentary remark was made of a speech just delivered in the court-house, Judge O'Neall presiding, when one of these slow coaches, who measured the excellency of speech by the time he consumed and the number of books he read from, sneeringly said: "Yes, he is a good jury lawyer." This fired up the just-minded O'Neall, who, in his impetuous manner, rebuked him thus: "Sir, show me a good jury lawyer and I will show you a good lawyer everywhere, in his office and in the courts."

Judge Butler, as I have said, was not a "case lawyer." He studied law as a science; consulted his books and his office, but

seldom carried them into court; grounded himself in the great principle underlying the case, and when he addressed the court or jury, poured forth rich stores of learning, without fatiguing or marring his argument by reading from books. Hence his speeches were not long, they were forcible and to the point, and there was no authority in the reports bearing upon it that he had not read and studied. He lived the truth, his mind was eminently just, and he would strain sometimes the rules of evidence to arrive at a righteous conclusion. He did this in a case in which I was particularly interested, and the result proved that he was right, for, although I obtained a new trial, yet the force of truth, as he allowed it to be eliminated, was so great that my client did not venture to go before the jury a second time, but settled the case out of court.

I have heard the judges of the Appeal Court say that in consultation he was eminently suggestive, and, while he was not obstinate, always open to conviction, yet when he made up his mind that he was right he was as firm as a rock and did not fear being in a minority. His charges and opinions were clear and lucid, not dealing in many words, not writing an essay to show his learning and research, but delivering a judgment. In a word, he was an upright judge, who loved the truth, sought the truth, and vindicated the law. He had no small ambition to display his reading and research; his single aim was to do strict justice. Such a judge was an ornament to the bench, who endeared himself not only to the bar but to all the people. Truthful, just, and brave, he feared neither criticism nor censure. I think his greatest judicial performances were in the circuit. Here his rulings and charges are lost to history, because they could not be reported. He was quick to perceive the very point in the case, and then he kept his mind entirely fixed, nothing drew him from that, so that, when he came to charge the jury, all extraneous matter was brushed away; no ingenuity, no sophistry, no eloquence obscured his clear perception, and when he gave the record to the jury they knew exactly the point or points submitted to their decision. If an appeal was taken from his rulings or instructions, his report of the case was fair and candid; he never shirked responsibility, for he was as brave as he was just. And if he was wrong, he was swift to correct his error. Unlike his brother, O'Neall, who was very tenacious of his opinion. I

remember hearing Judge Butler say that while he was on the bench he never knew O'Neall to confess that he was wrong, but now and then the whole bench disagreed with him.

Judge Butler was a careless man about preserving papers that would illustrate his life as a lawyer or a judge. In all the papers that have been preserved, I find but one brief of his points and authorities as a lawyer, and but one single report of any case tried before him as a judge. Nor do I suppose this latter would have been preserved, but it touched his heart and appealed to his sympathies and sensibilities. It was the trial of James Jefferson Hux, a deaf mute, who was tried before him in Horry District for the murder of his sister, who was also deaf and dumb, on the 25th of February, 1842. They were very much attached to each other, although they frequently quarreled, and sometimes they would fight. They stayed together in a small hut on the edge of the swamp forest, not very far from their father's house. The boy was good-natured, but of quick temper; the girl was sullen and spiteful. They roamed the woods together, and would be gone for days, at time. Is it a wonder that the birds, deer and other game had become so familiar with them that they would not get out of their way? Hunters say that they have seen the girl standing by a deer caressing it. One day, while the family were at dinner, the boy came in much excited, his face flushed as if blood would gush out, and made signs that his sister was dead. Two guns had been heard to fire only a short time before dinner. When the father got to the girl she was found lying on the edge of the swamp, dead, the body yet warm, with a heavy load of shot and a bullet through the right shoulder. A jury of inquest was impaneled, who found that the boy had killed his sister. Judge Butler appointed that eminent lawyer, Mr. Nelson Mitchell, to conduct the defense. The difficulty was to make the prisoner understand of what he was accused. Nobody could communicate with him but his father and sister who was killed, and they did it by signs. There he stood in the dock, with a vague countenance, looking around, all unconscious, on the strange scene, not comprehending that he was the chief actor. He was to plead to the indictment, and the effort was to make him comprehend that he killed his sister with malice aforethought. The old man, the father, by signs with his hands and fingers, tried to convey the dreadful accusation. At last he gave it up in despair and said:

"Judge, I cannot make him understand." There was a dilemma! They could not try the prisoner unless he could be made to know of what he was accused. Suddenly the Judge said to the father: "See if you cannot make him understand that he killed his sister with a bad heart." The old man tried again, and it was very curious to notice the troubled expression that passed over the boy's countenance as the horrid charge gradually broke upon his intellect. At last he comprehended it, and, with a cry of agony, more like a howl, as if making a desperate effort to break the strings that tied his speech, so that he could loose his tongue and give indignant denial to the foul charge, he sprang over the rail of the dock, and, seeing the Judge sitting in his robe on the bench, naturally supposed he was a man in authority who could protect him, and, rushing through the crowd, ascended the seat of justice, dropped at his feet, and, clasping his knees, threw up his agonized face, the big tears streaming down his cheek, and all the time shaking his head, making a choking sound in his throat, trying to give voice to his denial. Never before or since has there been such an eloquent plea of "Not guilty." That mute appeal was not in vain; and if ever a boy was eloquently defended and triumphantly acquitted, it was the deaf mute of Horry, under the charge of his Honor, Judge Butler. I have heard that splendid charge spoken of by eye and ear witnesses as one of the grandest forensic efforts ever listened to in a court-house. It melted to tears court, bar, jury and audience; but it is lost to history, and few remain to bear witness to its magnetic effect. Indeed, I doubt if the most accomplished reporter could have reported such a speech.

His friend, Judge O'Neall, says of him, and there was no one better qualified to judge, or had better opportunities: "His duties on the circuit and in the Appeal Court were well performed. Many of his opinions will bear comparison with any which were delivered during the eleven years he was in the Court of Appeals. I cite the State *vs.* Ancker, 1 Rich., 245, and *ex parte* Leonard, 3 Rich., 111, as specimens of his judicial arguments." I think he has left out the best specimens, to which I will hereafter refer. He closed his judicial career in 1846, when he was elected

SENATOR.

Although Judge O'Neall thought Judge Butler was better fitted for a political than a judicial life, yet he says: "That he left the bench with regret, and often looked back to it with a wish to return, are facts which I know both from verbal and written communications." Be this as it may, he entered on his career of Senator with that ardent patriotism and devotion to duty that distinguished his whole life. To attempt a history of his senatorial career would swell this memoir into a book. Here his fame became national, for he was not only chairman of the judiciary committee, but took an active part in all the public affairs of the country, as well as devoting himself to the interests of his State and the private interests of her citizens. No one who had a claim on the country ever appealed to him in vain. This is abundantly proved by the letters of thanks he has received for unostentatious and unknown services rendered. His eulogies on his friends and colleagues, Mr. Calhoun and Mr. Elmore, were touchingly beautiful and affectionately true; he knew the men, appreciated their services, and felt that the State and the Union had lost two most valuable counselors in a time of great need.

I suppose his grandest senatorial effort was his reply to Mr. Sumner. It must be so, for I find among his papers letters not only from all parts of the United States, but from Europe, soliciting copies of the speech and thanking him for its calm wisdom, its dignified, severe rebuke of the unwarrantable attack upon the State and himself in his absence, and the statesmanship displayed in the discussion of the great question then agitating the country. Had Judge Butler been present in the Senate, perhaps Mr. Sumner's speech would not have been delivered, or, if it had, he would have replied to it in such indignant terms and with such crushing effect that poor Brooks would not have felt called upon to vindicate his absent relative. But they are all dead; the strife and contention of life are over with,—let them rest!

While in the Senate he had a hostile correspondence with Colonel Benton, which at one time looked as if it must be settled by the duel. A challenge had been sent; but, happily, it ended honorably to both, and as the grave has closed over both, let me not revive it now. Sleep in peace, dear Senators! you served

your country well, and in the spirit land perhaps all the toils and conflicts of earth have been reviewed, and the large patriotism that filled your hearts and controlled your conduct here has been refined and purified.

The controversy that irritated and separated you on earth is understood now; and, still caring for that country you loved and served so well, you are united in that sphere "where the wicked cease from troubling, and the weary are at rest!"

Judge Butler died in his loved Edgefield, on the 25th of May, 1857. His friend and colleague on the bench and in the Senate, Judge Evans, announced his death, and the land was filled with mourning. He, too, has gone to join the band of patriots with whom he served on earth. I cannot conclude this tribute without referring to what I consider a much better specimen of Judge Butler's judicial ability than the cases quoted by Judge O'Neall. And in this I am sustained by his friend, Judge D. L. Wardlaw. In a letter to me, of the 23d August, 1867, he says:

"Dear Aldrich: I was with Judge Butler at Dr. Waddel's school, at college, at the bar, in the Legislature, and on the bench. I have remembrance of his extraordinary faculties, his popularity, his quickness, his sound judgment, his integrity, his ability, etc. But all these everybody knew. I cannot, without suggestion from others, recall or recount anecdotes or interesting particulars, and, really, I am at a loss to fix upon anything that would be new to you and valuable in the memoir you contemplate.

"I recollect that once, at Edgefield, Butler was much provoked by what he considered the unfair opposition to his cases and clients that Judge Huger exhibited in his long and vehement charges. The Judge, to him and to others, said that such was Butler's influence with an Edgefield jury the weight of the judge in the scale opposed to him was necessary to justice.

"Could higher compliment be paid to a man than this? And remember it was the stern Huger who said,—a type of the old Roman: 'Look at the latter part of the opinion in the State *vs.* Blease, 1st McMillan, 478, and you will see a specimen of Butler's best manner, his power of condensing much wisdom in a few pithy sentences.' He loved Bacon's Essays and was imbued with their spirit.

"I wish I could help you, but I have no knack, and am always more inclined to correct, alter and criticise than to compose.

"With remembrances of regard,

"Yours truly, D. L. Wardlaw."

Here is the extract, which I think fitly concludes this imperfect sketch of a great life:

"To sit in judgment on the life of a man is the highest power that can be delegated to, or exercised by, any human tribunal, and should never be exercised but in conformity with the prescriptions of strict law, and upon satisfactory testimony.

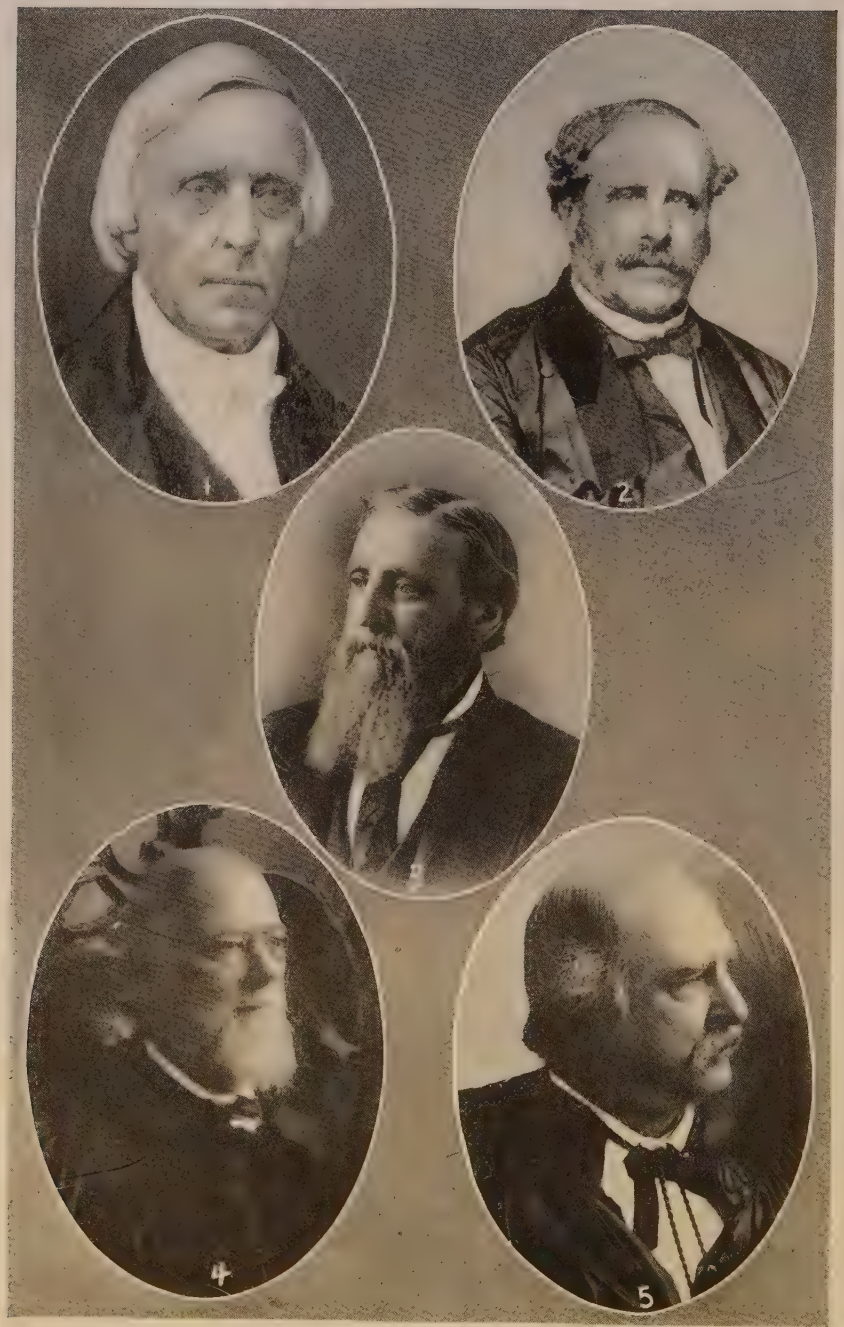
"Unrestricted testimony and shrewd conjecture may frequently result in truth, and aid justice, but in times of agitation they may be made use of as fatal means to gratify the demands of prejudice and subserve the ends of tyranny. Strict law is a fortress of protection and defense in times of violence. It is right that we should maintain our peculiar institutions by a faithful, fearless and impartial administration of the laws of the land. But justice should balance nicely with her scales before she strikes with her sword."

If the man who could write thus as an appellate judge, in the silence of the night, what could he not do when he was excited by the conflict of intellectual combat, when all his energies were called into play. See him contending with such kindred spirits as McDuffie and Preston, the Wardlaws and Burt,—all his powers aroused, all his intellectual force aroused,—and then picture the man! His tall, commanding form arising, quivering in every nerve; his flashing eye; his sonorous voice rolling out in tones of impassioned eloquence; his grand action free and unrestrained, combined with convincing argument: well might juries be captured and audiences hang in silent rapture on his commanding diction and superb oratory! But who can report such a man? Those who heard him cannot tell you what he said, but what they felt,—and he is dead.

Such is my humble offering to Andrew Pickens Butler. He left an only child, Eloise, the honored wife of General Johnson Hagood. To her is this feeble tribute dedicated, affectionately and respectfully, by her father's friend.

A. P. Aldrich.

The Oaks, 18th May, 1878.



No. 1—Chief Justice O'Neall
No. 2—Chief Justice Moses
No. 3—Chief Justice Simpson

No. 4—Chief Justice McIver
No 5—Chief Justice Pope

JOHN BELTON O'NEALL.

(From O'Neall's Bench and Bar.)

As a part of the introduction, it may not be amiss that something should be known of the author. He is the son of Hugh O'Neall and Anne Kelly, his wife, both of whom were members of the Society of Friends, on Bush River, Newberry District, South Carolina, and consequently he was, by his birthright, a member. The Society there has for nearly half a century been, from the diminution of its members, incapable of transacting business; and he is, therefore, still one of them, although he knows perfectly well, from his habits, pursuits and mode of life, that he has forfeited his right to be called "a Friend"; yet he confesses to a great partiality for Friends, when in deed and in truth they are such.

His ancestry on both sides were Irish, his paternal great-grandfather belonging to the ancient house of O'Neall of Shane's Castle, Antrim, Ireland. His maternal grandfather, Samuel Kelly, was of King's County, and his grandmother, Hannah Belton, was of Queen's County, Ireland; so that he may rank as a full-blooded Irish-American.

He was born on Wednesday, 10th of April, 1793 (about half a mile below Bobo's Mills, on Bush River. At his earliest recollection his father removed to the Mills, and there his boyhood was spent.

He began to go to school when he was five years old. A young man, the son of a friend of his father's, boarded at his house and went to "Master Howe" (as the teacher, James Howe, was familiarly called), about one mile and a half distant. He took the childlike pupil with him day by day, carrying him across the branches on his back. The first shock of death which he ever experienced was in the decease of this young gentleman, Captain Abraham Parkins, in October, 1802. He (young O'Neall) learned rapidly, but his subsequent life satisfies him that he went to school at least two years too soon. His nerves were unstrung by an attack of what was then called nervous fever, when he was about three years old, and which had the effect to render his

hand so unsteady as to make him incapable of writing a good hand, although taught by the best teachers of penmanship with whom he was acquainted.

The other children of his father were girls. They were all remarkable for talents. His eldest sister, Abigail, went to school with him and learned more rapidly than he did. She is still alive, and is the widow of John Caldwell, Esq. His two next sisters, Rebecca and Hannah, have long been tenants of the "silent house." His youngest sister, Sarah Ford O'Neall, is still alive, and is a member of the Society of Friends.

In 1804 a library society was organized at Newberry, of which his father was a member. The books were selected and bought in the city of Boston by Elijah Hammond, the father of Senator Hammond. This afforded to young O'Neall the opportunity of reading, a taste for which he had acquired by Mr. Howe having permitted him to read, under his direction, his books, of which he had a pretty good selection. He recollects to this day with what avidity he read the first book placed in his hands—the "Pilgrim's Progress."

He continued to go to English schools, with slight interruptions, until 1808. Occasionally he was employed as a clerk in his father's store, where he learned to abhor the liquor traffic. At the schools to which he went for the first thirteen years of his school life he learned to spell and read well, and to write an indifferent hand, and came to understand arithmetic perfectly.

He acquired great facility in memorizing promptly whatever was put in his hands. He committed to memory in an hour the 9th chapter of 2d Kings. In May, 1808, he became a pupil of the Newberry Academy, then under the care of the Rev. John Foster. He pushed his young pupil forward much too rapidly. By January he had him reading Virgil without at all understanding it as he should have done. In January, 1909, Charles Strong, of the class of 1808, South Carolina College, became the preceptor in that year and the next. Young O'Neall became a thorough Latin scholar, and was sufficiently instructed in Greek and all the branches of English to prepare him for the junior class of the South Carolina College. During this time he acquired the habit of extemporaneous speaking by practicing to speak every night, after he had got his lessons for the next day,

before his uncle and grandmother, with whom he boarded at Springfield.

In the year 1810 his father was deprived of his reason, and this kept him home from school for several months to endeavor to close up, satisfactorily, his deranged mercantile affairs. But all was in vain. Bankruptcy came down upon him, and his creditors nearly crushed every hope by suing him in his unfortunate insane condition, and forcing his property to a sale at an immense sacrifice. Thus his family were turned out of doors, and had it not been for the kindness of his father's bachelor brother, must have been left without even a shelter for their heads.

In February, 1811, young O'Neall was allowed to enter the junior class of the South Carolina College. In December, 1812, he graduated with the second honor of that institution. His diploma bears date 7th December, 1812, and is signed by Jonathan Maxcy, S. T. D., Praeses.; Thos. Park, Ling. Prof.; B. R. Montgomery, D. D., Phil. and Log. Prof.; Georgius Blackburn, A. M., Matt. and Astron. Prof.; and by Henry Middleton, Governor and President of the Board, and twenty-two trustees, only one of whom, John J. Chappell, is alive.

The expenses of his collegiate education were paid in part by himself, and the balance out of his father's dilapidated estate by one of his committeemen, and which was not allowed in his accounts. His father (in 1813) recovered his reason, and, in gathering up the wrecks of his fortune, succeeded in being able to reimburse Mr. Caldwell such sums as he had expended on his son's education.

In 1813, for about six months, O'Neall taught in the Newberry Academy. At the end of that time he devoted himself to the study of the law in the office of John Caldwell, Esq. At that time Anderson Crenshaw, Esq., afterwards Judge Crenshaw, of Alabama, lived in the village; he gave O'Neall free access to his library, and imparted to him much valuable instruction.

A debating society then existed at Newberry, to which the young men, and many of the middle-aged, belonged. A meeting was held every Saturday, and subjects debated with much energy. O'Neall then improved his habits of extemporaneous speaking very much.

In August, 1813, O'Neall performed, at the muster of a demi-brigade, in Frost's old field, his first military duty, as a member of the artillery company under the command of Captain McCreless; the militia, under the orders of the Governor, were classified. The company to which he belonged was placed in the first class. That class was called into the State's service in March, 1814, and marched from Camp Alston, four miles below Pocotaligo, in Beaufort District, where there was about as much necessity for troops as there would be in time of war at Chalk Hill, near Columbia.

The first class were mustered into service under the command of Colonel Starling Tucker, at Newberry, on the 1st, 2d and 3d days of March, by Major Thomas Wright, brigade major of the then Second, now Tenth, Brigade of Militia; and, on the 4th, commenced their march for Camp Alston. O'Neall was appointed judge advocate for the command, but was allowed to remain as part of the artillery company. The line of march was by the way of Lee's Ferry, Bord's in Lexington, Pine Log on Edisto, the White Pond in Barnwell, Barnwell Court-house, Burford's Bridge across the Salkehatchie, thence across many swamps to Pocotaligo and Camp Alston. The campaign was inglorious, and closed about the 1st of April. Of all that was interesting, a narrative is given in the life of Solicitor Stark.

A few weeks after his return home (in May, 1814,) he was admitted to the practice of law and equity. The circumstances attending his examination and admission are narrated in the sketches of Judges Grimke, Nott and Brevard, and of John D. Witherspoon, Esq. He immediately entered into partnership with John Caldwell, Esq. (who was the cashier of the Branch Bank of the State at Columbia, and had removed to Columbia). He opened his office at Newberry, and from the commencement was honored with a large and lucrative practice.

In October of that year a volunteer company of artillery (in the place of that in which he had served at Camp Alston, and which had been disbanded,) was raised at Newberry, and he was elected captain. To this point in his life he always refers as conferring more pleasure and pride than any other.

His first equity speech was made at Laurens, before Chancellor DeSaussure, at the June term of 1814 for Washington Equity District. The Chancellor's approving smile was of great benefit

to him then, and so was his friendship ever after. His first law speech was made at Union Court-house in October, 1814, in a malicious prosecution case, notice of which was made in the sketch of James McKibben. When the case was going on, Judge Crenshaw, then a practicing lawyer, said to the defendant, James Duncan, son of Alexander Duncan: "You had better employ me; the young man who is about to speak against you is not known to you." "Never mind," was the old man's reply, "Cousin Josey (meaning Colonel Joseph Gist) will fix them." But the old gentleman learned, in the sequel, by a verdict of two hundred dollars, that "the race was not always to the swift, nor the battle to the strong." His first law speech at Laurens was in November, 1814, in defence of a poor fellow for stealing a sheep, who was acquitted. These were voluntary speeches, and led the way to reputation and future employment. Young lawyers mistake much their duty to themselves in declining opportunities to speak without fee or reward. His early success at the bar he always attributed more to the favor of the people, and the encouraging helping hand extended to him by the bench and bar, than any intrinsic merits which he possessed. For he knows now that his legal acquirements then were very slender.

In October, 1815, he had the misfortune to be visited with an attack of fever; he, however, kept pace with the business of his office, in the midst of successive and daily intermittent attacks. At court, by the blessing of God, he was able to maintain his usual stand at the bar. At the October election of 1816 he was returned third out of four members of the House of Representatives from Newberry District. This gave him the opportunity of being more generally known, and probably furthered his views of advancement; but if he had the privilege to live his life over he would not seek such a position so early in life. On the 2d December, 1816, the degree of Master of Arts was conferred on him by the South Carolina College. On the 7th of August, in 1817, he was elected from the rank of captain to that of colonel of the Eighth and Thirty-ninth Regiments of militia. He was enthusiastically fond of the military, and soon raised his regiment to a proud position as militia. The whole regiment were devotedly attached to their colonel. Like many other young men, his vanity was played upon by professed friends, and he was presumptuous enough to offer for major-general against his com-

mander and friend, Brigadier-General Tucker. That he was defeated was exactly what he deserved. The officers of his own regiment evinced their fidelity by giving him an unanimous vote. This consoled their young colonel in his defeat, and has ever since been gratefully referred to.

In the December session of the General Assembly of that year he voted for the increase of the judges' salaries; the consequence was that at the elections of 1818 and 1820 he was left at home. This period of rest from political pursuits, he thinks, was of immense advantage to him; it made him a much better lawyer, and increased his reputation and business.

In 1816 he was appointed by Governor Pickens one of his aids, with the rank of lieutenant-colonel; this appointment he resigned in consequence of his election as colonel. In December, 1817, he was elected a trustee of his *alma mater*, the South Carolina College; and he has filled that office ever since, with the exception of a year, from December, 1821, to December, 1822. Thus for forty years he has sedulously watched over the interests of that great institution.

On the 25th of June, 1818, he was married to Helen, eldest daughter of Captain Sampson Pope and Sarah Strother, his wife, of Edgefield. For forty-one years they have together toiled through life enjoying much of happiness, and, in the death of all their children, drinking the cup of sorrow to its dregs.

In June, 1820, his grandmother, Hannah Kelly, died; by her will she devised to him "Springfield"; thither, in August of that year, he removed, and there he has resided ever since, adding to it many adjoining farms, and the mills on Bush River, just above the forty-fifth line railroad crossing.

In 1822 he was returned second to the House of Representatives in the General Assembly of South Carolina, and, by successive biennial elections, he was returned in 1824 and 1826. In 1824 and 1826 he was elected Speaker of the House of Representatives without opposition. During the four years in which he held that great office there was only a single appeal from his decisions, and in that his decision was sustained. No reading clerk existed at his first term; the consequence was that he read all bills, reports and resolutions. He had a wonderful facility in this respect. His voice was clear, his enunciation distinct; he read with great ease and rapidity any writing presented to him. His quick and

ready eye, and a prompt understanding of the scope of the writer, constituted the whole secret of his art of reading; being able to make out a word going before and another after an obscure writing enabled him to read the sentence.

A laughable incident between him and his friend, Hugh S. Legare, may be here stated. The practice to read every report and the documents had been so altered as merely to require the reading of reports. The Speaker had left the chair and placed in it his friend, Colonel Gregg, while he sought a short relaxation. Returning, he found the House in a warm discussion on rescinding the recent rule and returning to the former practice. At the instance of Colonel Gregg, the Speaker resumed the chair and presented the question; and the House, by a large vote, refused to rescind the rule. When the vote was announced, H. L. Pinckney, Esq., asked if a member might not still call for the reading of the documents. He was answered "yes." In the course of a few moments a favorable report was read, and Mr. Legare called for the reading of the documents, which was done. The Speaker, seeing his object, determined on his course. In a few moments a favorable report of the Committee on Pensions was read. Mr. Legare rose and said: "I claim the reading of the documents." The Speaker, in a mild and pleasant manner, said: "Will the gentleman come to the chair and read for his own information and that of the House?" He could not resist the request. He came to the chair with obvious reluctance. A large auditory was present; the gallery was full of ladies. Fortunately for the Speaker's purpose, the petition was a long one, from Brushy Creek Fork, Chester District, in a very cramped and difficult hand. Mr. Legare began his task in a very halting, hesitating manner; at every sentence he had to be prompted. The members enjoyed the scene much; the titter soon became a broad, loud laugh, which extended to the galleries. The late Judge Axson, with his broad, laughter-loving Dutch face, placed himself right under the Speaker's desk, and every-now-and-then cried out: "The gentleman don't read loud enough." After a long, protracted and blundering reading, the petition was read through; one out of the nine accompanying affidavits was handed to Mr. Legare; with much difficulty he mastered the words "Before me personally appeared, A. B."; halting there, he said to the Speaker: "It is all d—— nonsense"; who replied: "If you

are satisfied, the House is." He abandoned the reading; the House concurred in the report, and the Speaker, after this reading lesson of Mr. Legare's, as Judge Butler facetiously termed it, was never asked to read any more documents.

In February, 1823, he was elected brigadier-general of the Tenth Brigade, Fifth Division of the South Carolina Militia; and on the 20th of August, 1825, he was elected and commissioned major-general of the Fifth Division. In that and the previous election for brigadier-general the officers of the Thirty-ninth Regiment gave him an unanimous vote. In his election as major-general, he succeeded in rising over the head of a friend and relative—a much older officer and a most worthy man—Brigadier-General Dawkins, of Union. His commission as major-general is signed by his much-valued friend, Governor Manning, and is, therefore, carefully preserved.

In 1827 the appropriation of ten thousand dollars for the relief of Mr. Randolph was made. The Speaker was known to be favorable to the measure, though he did not vote. In 1828 the people of Newberry, who have always been remarkable for seizing upon matters of money appropriated as objections to their members, that which no other district could have been persuaded to do, refused to return the Speaker, and, of consequence, lost the honor of having that officer as one of their representatives.

On the 20th of December, 1828, John Belton O'Neall was elected and commissioned as an associate judge. He immediately accepted the great trust, qualified, and entered on its duties. He rode the Southern, Western and Middle Circuits, and commenced, in the fall of 1830, the Eastern (now the Northern) Circuit; but at Chesterfield he was taken dangerously sick. As soon as he could ride, his friend, Dr. Smith, insisted on his accompanying him to his residence at Society Hill, which he did; this kind attention was rapidly restoring him, when intelligence reached him that two of his children were dead and a third at the point of time. He returned rapidly home, and in a few days saw his eldest daughter die, a lovely child of ten years of age. He did not resume his circuit; his friend, Judge Johnson, of the Court of Appeals, held the courts from Marion to the close.

On the first day of December, 1830, Judge O'Neall was elected a judge of the Court of Appeals, and entered immediately upon its duties. With Johnson and Harper he encountered and per-

formed the labors of the Court of Appeals—Herculean as they were—until December, 1835. The extent of them may be judged from a reference to 2 Bailey, 1 and 2 Hill, Bailey's Equity, 3 Rich., 1 and 2 Hill's Chancery Reports, Richardson's Equity Cases.

The decision, The State *ex parte* McCrady *vs.* Hunt, 2 Hill, so displeased the dominant party that the Court of Appeals, which had done more to give symmetry to the law than had ever been known before, was abolished, and Johnson and Harper assigned to equity and O'Neall to the law. He has ever since then given most of his attention and labors to the courts. The fact is, he has neglecetd his own affairs, and much injured his own estate, to serve the people. In May, 1850, on the death of Judge Richardson, he became president of the Court of Law Appeals and of the Court of Errors. His recorded labors, from December, 1835, are to be seen in 3 Hill, Dudley, Rice, 1 and 2 McMullan, Cheves, 1 and 2 Speer, 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th Richardson, and 1st, 2d, 3d, 4th and 5th Strobhart.

In 1846 the degree of LL. D. was conferred on him at Columbia College, District of Columbia, and was repeated a few years since at Wake Forest, North Carolina.

In May, 1847, he was elected president of the Greenville and Columbia Railroad. Aided by an unfaltering devotion, he succeeded in carrying the enterprise successfully forward to Anderson, and within eighteen miles of Greenville, when, in May, 1853, he surrendered the work to other hands. Afterwards the work had to be carried forward by the individual credit of the president and his friend and endorser, Colonel Simeon Fair. At different times himself and all the directors were bound for more than one hundred thousand dollars. When the great freshet of 1852 broke down more than thirty miles of the road, and Wm. Spencer Brown, the talented and energetic chief engineer, was drowned, there devolved upon the president a work requiring sleepless vigilance and determined energy; that he was enabled to overcome all obstacles is cause of devout gratitude to God, which he has always acknowledged.

On 31st December, 1832, to save a friend, he abandoned the use of spirituous liquors, and, in June following, gave up the use of tobacco. To these two causes he ascribes his health and ability

to perform more labor than most men at his time of life can accomplish. He joined, soon after, the Head's Spring Temperance Society, Newberry District, where his membership now is, and of which he is president. He became a teetotaller, and in December, 1841, he was appointed president of the State Temperance Society, which office he still holds. In 1849 he joined the Sons of Temperance, Butler Division, No. 16, at Newberry. He was elected G. W. P. of the Grand Division of South Carolina, October, 1850; and in June, 1852, at the city of Richmond, Virginia, he was elected and installed M. W. P. of the Sons of Temperance of North America. He attended, in 1853 and 1854, the annual meetings at Chicago, Illinois, and St. John's, New Brunswick. Then he surrendered his office to his successor, Samuel L. Telby, of St. John's. In the spring of 1834 the Judge and his wife lost, by the scarlet fever, two of their lovely little girls.

In 1837 he was elected president of the Newberry Baptist Bible Society. To this office he has annually been elected. Much good has been accomplished by this society under his direction. He is now the president of the Bible Board of the Baptist State Convention, of which body (the Baptist State Convention) he was elected president in July, 1858, and again in 1859.

He was elected president of the Newberry District Agricultural Society in 1839, and has been annually elected ever since. The good accomplished by that society is known by the fact that Newberry has reclaimed her wasted fields and made more and better improvements in agriculture than any other district in the State. The society has, once or twice, been on the verge of dissolution, but the people of Newberry know too well its importance to permit it to perish.

On the 5th of August, 1857, the crowning sorrow of their lives occurred to the Judge and his wife. Then their excellent daughter, Sarah Strother Harrington, the wife of Dr. Harrington, their only surviving child, was taken from them by death. They are consoled by the fact that she was a Christian, and that she has left seven representatives (four daughters and three sons), whom may God spare to comfort and assist their grandparents, and to become good and useful women and men.

Judge O'Neall has written and labored much for his fellowmen. He has always believed where he could contribute even a

mite to knowledge, education, temperance, religion and agriculture, it was his duty to make the effort. He wrote, in 1818, many articles on the increase of the judges' salaries, signed Cato; in 1840 he wrote the "Drunkard's Looking Glass," and afterwards the "Wanderer," with many other subsequent fugitive essays and letters in the "Temperance Advocate," the Newberry "Rising Sun," the Greenville "Patriot," Greenville "Patriot and Mountaineer," and the "Southern Enterprise." He wrote reminiscences of the Revolution for the "Southern Literary Register," Revolutionary poetry for the "Orion," and a sketch of Joseph M. Jenkins for the "Magnolia." He has delivered innumerable addresses on temperance, education, Sunday schools, and railroads. He has permitted to be published an oration on public education, delivered before the Clariosophic Society, incorporate of the South Carolina College; a fourth-of-July oration in 1817, and another on the fourth of July, 1827, on the death of Jefferson; another, on education, before Erskine College, at the commencement in 1842; another, on Female Institute; another, on Public Speaking, before Davidson College, in North Carolina, in 1851. He has published, this year, the "Annals of Newberry," and now is about to give "Sketches of the Bench and Bar of South Carolina." He gave to the people of South Carolina a "Digest of the Negro Law" in 1848. He is sensible that he has worked hard and endeavored to do good. If he has succeeded, then every wish of his heart will be gratified; and he will only add, may he be succeeded by others more, much more, useful than he has been.

Chief Justice O'Neall died 23d December, 1863.

Columbia, December 29th, 1859.

To the Honorable Speaker and Members of the House of Representatives:

Gentlemen: The result has just been communicated to me of the election of Chief Justice. I accept, with grateful emotions, the distinguished honor, and beg leave to tender to you and the country the thanks of one who has long endeavored to serve her to the best of his ability.

Most respectfully yours,

JOHN BELTON O'NEALL.

CHIEF JUSTICE DUNKIN.

Benjamin Faneuil Dunkin was born in Philadelphia, December 2, 1792; died in Charleston, December 5, 1874. On the maternal side he was descended from the Faneuils, a Huguenot family who came from Rochelle, France, at the revocation of the Edict of Nantes, and settled in New Rochelle, near New York, moving afterwards to Massachusetts and making their home in Boston, where he was educated, entering Harvard College at fourteen and graduating with distinction at eighteen. In 1811 he came to Charleston and commenced the study of law under the instruction of Hon. William Drayton, and was admitted to the bar in 1814. His rise was steady and his progress uninterrupted. He did not abstract himself from public affairs, and was Representative of the Parishes of St. Philip and St. Michael's in the Legislature of the State, and was Speaker of the House in 1828 and 1829.

He was Chief Justice from 1865 to 1868, when, shorn of station and fortune, he returned to the practice of his profession, and, over three-score-and-ten, joined in the common struggle for bread side by side with those who were not born when he was made chancellor. His fortitude and endurance were heroic, and he never allowed himself regretful recurrence to his former position and fortunes, bearing himself nobly to the end.

Columbia, 21 December, 1859.

Gentlemen: I desire to express my grateful sense of the honor conferred on me in being elected one of the Judges of the Court of Appeals; but, while entirely willing to continue my services to the State in the office which I now hold, I beg permission to decline that to which I have been elected.

With great respect, I am, gentlemen,

Your obedient servant, BENJ. F. DUNKIN.

To the Speaker and the members
of the House of Representatives.

CHIEF JUSTICE FRANKLIN J. MOSES.

Chief Justice Franklin J. Moses was born in Charleston, S. C., in August, 1804. He was the eldest child of Major Myer Moses, who was a soldier in the War of 1812 between the United States and Great Britain; Major Myer Moses, his father, also being a native of Charleston, born in the year 1779.

Judge Moses received his early education in his native city and entered the South Carolina College in 1819, graduating in the class of 1823. The class of '23 was small, but the men who composed it, viz.: George Buist, Wm. F. Colcock, Ebenezer Cooper, John R. Davis, Charles Glover, James W. Hudson, F. J. Moses and Robert H. Spencer, played no small part in their State's history, and added fresh laurels to its wealth of fame. After leaving college he at once commenced the study of law, entering the office of the Hon. James L. Petigru, whose name has come down to posterity as one of the most learned lawyers this State has ever produced. In 1825 Judge Moses was admitted to the bar, and at once entered upon that career which placed him first among his equals of all the eminent men who graced the position he afterwards filled. That year he located in Sumter, then Sumterville. His locating in Sumter was purely accidental. He had left his native city to try his fortune in Columbia; on the way there he was advised to first go to Sumterville, which even at that date was noted for the talented lawyers practicing at its bar. His sole possessions when he arrived at Sumterville were a few law books and a ten-dollar bill. Liking its surroundings, he determined to settle there, and he at once entered upon the practice of his profession. With natural ability, aided by a comprehensive mind, a grasping intellect, a very retentive memory, and an almost inspired conception of the status of the cases he took part in, he at once went to the fore and was ranked among the chief jurists of his time. At the outset he laid down this principle: Never in the criminal courts to prosecute a man where his life was in danger, and on the civil side never to bring a suit unless there was real merit in it. It was not long before his square dealings and industry, always exercised for the benefit of his clients, made him a very popular man, and he was elected

captain of Claremont Troop, a company of cavalry held in great repute in Sumter District before the war. Judge Moses was always conservative in politics, and we find him in 1832 one of the secretaries of the Union Convention held in Columbia, S. C. In 1841 he was elected to the State Senate for an unexpired term, defeating two candidates for that office, one of whom had previously served the district in that capacity. In 1852, when the State was divided into two parties, viz., Secession and Coöperation, we find him in the ranks of the latter party.

In 1860, when the State seceded, he at once proffered her his services and was sent to North Carolina to help take her out of the Union. Unnecessary to say what was the result of his mission. In the early part of the war he served for a short time on the staff of General Wise in West Virginia, but he was too old to endure the hardships of campaigning. He returned to his State, and during the whole war assisted materially with his brain, and his means, which he freely gave. He was Senator from Sumter District from 1841 to 1866—a period of twenty-five years, and, although often opposed for said office, was triumphantly elected by the votes of the people. During most of that time we find him acting as chairman of the judiciary committee of that body; this alone is testimony to his worth as a lawyer, as this is considered one of, if not the most, important committees of that body.

In 1850 he was elected a trustee of the South Carolina College, which position he held until 1865. He was serving as professor of law in this institution at the time of his death, which position he had held for many years. In 1866 he was elected one of the circuit judges, and in 1868 he was chosen Chief Justice of the State of South Carolina, and this position he held to the day of his death in March, 1877.

Chief Justice Moses was an extraordinary man. To a big brain he added other qualifications which tended to make him great. He was very conscientious, and would never let his personal aggrandizement stand in the way of his convictions. To illustrate: One evening he received a telegram from some lawyers in Columbia asking him to hear a case at Chambers in Sumter; he granted their request; the case was heard, and he granted the injunction prayed for. After retiring, the lawyers having left, he went to bed, but the case was in his head, and he commenced

studying it over, and was convinced he was wrong in granting the injunction. He got up, wrote a contrary opinion to the one he had already given, took it to the train himself, the mail passing Sumter at 4 a. m., and mailed it to Columbia, in order that it might reach there before the injunction was carried out. But one among the chief attributes to his success was a knowledge of the men with whom he was thrown in contact. Indeed, he seemed intuitively to gauge their character, and how to direct his argument so that it would fall upon ears prepared. He was painstaking in his work; he never expressed an opinion unless he had good reasons to substantiate it, and, if convinced that he was wrong, he was the first to acknowledge it. His decisions, as laid down in the reports of the courts, show what a great jurist he was; they are daily quoted, and have been seldom set aside; for, learned in the law, he never wrote an opinion without giving the subject-matter due study and research. The only motto to be inscribed upon his tombstone is that he was "*Viv probus et justus.*"

CHIEF JUSTICE AMIEL J. WILLARD.

By John S. Reynolds, Esq.

Amiel J. Willard was born in Albany, N. Y., in 1822. He studied law under Willis Hall, attorney-general of that State. In 1848 he was made assistant corporation counsel of the city of New York, under Henry E. Davies, who was afterwards chief justice of the Court of Appeals. The new code of civil procedure was then on trial, and there arose many questions of its construction, which had to be settled by the courts. Mr. Willard was thus introduced to the new system by actual practice of a kind well calculated to test his knowledge of the code and the points of difference between that statute and the system of pleading and practice which it displaced.

In 1849, Mr. Willard formed a partnership with Peter B. Sweeny, a noted politician of that time, and afterwards with James S. Morrell, who became a judge of the Supreme Court of New York. In both relations he enjoyed a good practice and rose to some prominence in the profession.

In November, 1864, he was appointed lieutenant-colonel of the Thirty-fifth Regiment of United States Colored Troops, then on duty on the coast of South Carolina. With that command he participated in the battle of Honey Hill, near Grahamville, a station on the Charleston and Savannah Railroad—one of the hottest fights of the war. The Federals outnumbered the Confederates nearly four to one, but the fine management and conspicuous pluck of the latter carried the day. The Federals were driven back with heavy loss, their retreat at one time becoming almost a rout. The field officers of the Thirty-fifth Colored Troops were commended in the report of the general in charge of the ill-fated movement,—Lieutenant-Colonel Willard being mentioned by name.

In 1865-1866, Colonel Willard was assigned to duty in the Department of Military Justice, and was stationed in Charleston. In this relation he came into especial note as the recorder of the military commission appointed to try four citizens of Anderson County charged with the murder of three Federal soldiers who

were guarding some cotton held by the Government agents. The case was a hard-fought one,—General James Conner and Mr. Armistead Burt representing the prisoners. Colonel Willard's conduct of the Government's case, including his argument, was marked by much ability,—though, of course, tinged with some bitterness. The accused were found guilty and ordered to be hanged, but after a commutation of the sentence by President Johnson they were taken to Fort Delaware, and, after some delay, thence discharged by Judge Elisha Hall, of the United States District Court, who held that their trial and conviction had been illegal, null and void.

Upon the organization of the State Government under the constitution of 1868, Colonel Willard was elected associate justice of the Supreme Court, his commission bearing date July 31st of that year. On May 15, 1877, he was elected chief justice for the unexpired term of Franklin J. Moses, and served till July 31, 1880. His elevation to this place was due largely to the known wishes of Governor Hampton, evidently shared by the white people generally. During his service on the bench of the Supreme Court, Justice Willard was called on to consider many new and some difficult questions arising under the new constitution and out of the changes wrought by the Civil War. Evidently unfamiliar with many of the legal principles and most of the precedents in the judicial history of South Carolina, his chief usefulness at first lay in his knowledge of the judicial system and the civil procedure of New York. His deficiencies, due to unfamiliarity with our laws, he plainly sought to cure by hard study. The work of the Supreme Court was for a few years very light, and Judge Willard evidently used the opportunity thus afforded him to familiarize himself with our statutes and our leading cases.

Judge Willard was an educated lawyer, ambitious only of success and preferment in his profession. His opinions in more important cases indicated careful preparation and laborious research. Many of his citations were such as to show that he had carefully studied every case cited. His style, though scholarly, lacked clearness,—his difficulty appearing to lie in the want of that adequacy of conception which is said of itself to supply apt terms. He was rather fond of fine distinctions—metaphysical refinements—and the efforts to convey these resulted in a quality

of style which might be termed complexity rather than obscurity. His opinions must be studied rather than read; and when thus treated they will be found to contain a discussion of the leading questions in the case, clouded though it may be by the presentation of too many subordinate propositions, some of these containing what might fairly be termed fine-spun theories. Aided, however, by the citations freely given, the studious lawyer need not often be at a loss to get the points actually decided.

Judge Willard's manner on the bench undoubtedly produced on the lawyers impressions from which, to some extent, their estimate of the newcomer was made up, and from which he never quite recovered. He was much given to interrupting counsel with questions or suggestions,—the former sometimes appearing altogether unnecessary and the latter either irrelevant or so fine-spun as to be wellnigh unintelligible. As illustrating his proneness to needless questioning of counsel, a story is told, which is hardly true, and which was probably made up to show some of Judge Willard's peculiarities on the bench. It is said that he once interrupted James H. Rion with the remark:

"It seems to me, Mr. Rion, that the margin of your printed brief is not according to the rule."

Silently drawing a foot-rule from his vest pocket and applying it to the printed page, Colonel Rion answered:

"Exactly two inches, your Honor; exactly two inches."

"Proceed," said Judge Willard; and the case went on.

Justice Willard came prominently into notice in the struggle of the white people in 1876-77 for the possession and control of the State Government. After the election there were various proceedings in the Supreme Court. The questions with which Judge Willard plied counsel showed that, however he might decide the case in hand, he intended that the authority of the courts should be respected and that there should be no trifling with the law's requirements. When, on the request of Governor Chamberlain to President Grant, United States soldiers took possession of the State House, Judge Willard plainly expressed from the bench his disgust at the conduct of the armed sentinel in demanding of him, on his way to the consultation room, to know whether he had a pass.

The case of most importance to the contending parties was that in which the Supreme Court was called upon to decide which of

the two bodies called, respectively, the Wallace House and the Mackey House, was the lawful House of Representatives of the State of South Carolina,—State *ex rel.* Wallace *vs.* Hayne and Mackey, reported in 8 S. C., 367.

In this case Judge Willard showed plainly his purpose to put aside every consideration except his duty to declare the law as it was written. It was feared that Judge Wright, under the constant pressure upon him from outside, might waver, and that Chief Justice Moses, whose health was extremely uncertain, might be disabled. It seemed wellnigh certain that should Judge Willard sustain the contentions of the Chamberlain party, Judge Wright would concur. A decision adverse to the claims of the Wallace House would have brought considerable trouble to the Hampton side. Such a decision would have been worth much to Judge Willard, had he chosen to ask a price for it, and it would, besides, have had the sanction of such lawyers as D. T. Corbin, D. H. Chamberlain, Judge Settle of North Carolina, and numerous legal luminaries of Republican proclivities in Washington. But he heartily joined in deciding the case in accordance with the law and the precedents.

The best tribute to Judge Willard is in the fact that in a time when corruption was widespread, when dishonesty was at a premium, when faithlessness to public trust was profitable, he kept his ermine pure.

After his retirement from the bench, Judge Willard lived in Washington, D. C., where he died on April 5, 1900.

CHIEF JUSTICE SIMPSON.

(From the Minutes of the Supreme Court, January 13, 1891.)

At 12 o'clock yesterday, the hour appointed for the memorial exercises in honor of the late Chief Justice Simpson, a distinguished array of counselors, heads of departments and citizens filled the Supreme Court room, occupying every seat in the chamber. Among those there assembled to do honor to the memory of a great and good man were, besides the members and officers of the Court, Governor Tillman, Attorney-General Pope, Secretary of State Tindall, Comptroller-General Ellerbe, State Treasurer Bates, Superintendent of Education Mayfield, Adjutant-General Farley, Colonel F. W. McMaster, Colonel Joseph Daniel Pope, Mr. R. W. Shand, Judge Andrew Crawford, Honorable A. T. Smythe, and a number of other members of the Richland bar and visiting attorneys from other sections of the State.

At the appointed time, Judge McIver said:

"Mr. Attorney-General, the hour has arrived which you have asked the Court to set apart in order that a suitable tribute may be paid to the memory of the late Chief Justice."

Attorney-General Pope, at this intimation from the bench, rose and said:

"May it please your Honors: The bar of this State may well unite with the remaining members of this Court in expressing the tender regret felt by all of us at the death of Chief Justice, the Honorable William D. Simpson, for while to the justices of this Court the loss of the companionship, friendship and liberal assistance, in official labors of the Chief Justice, is a personal one, to the members of the bar of this State the absence of his genial face and his kindly presence is keenly felt. With his whole mind engrossed by the cares of a judge, there is reason to say of him: 'It is sweet and honorable to die for one's country.'

"It would be a great neglect not to refer to the contributions made to our legal history by one who has acted so conspicuous a part in the legal affairs of the State. He devoted his mind to many large, far-reaching questions. Among these was the solu-

tion of the public debt of the State on principles alike honorable to her and to the holders of her securities. He gave much thought to the question of homestead. He had a just appreciation of the high claims of that class that are now, as they ever have been, the chief jewels in the crown of the State—the women of the State. The application of legal principles must connect his name forever with all most dear to us. There is one thing connected with his services that the people of the State should never forget. It is that he, with others in their efforts to see that the rights of the people of the State were vindicated, bore obloquy even in order to be faithful to justice and honor. He said that because the constitution forbid circuit judges to communicate to juries their opinion as to facts, there were so many trials. He stood firm in this tribunal and obeyed that which the constitution ordered him to do. A debt of gratitude from the people belongs to him."

At the conclusion of the Attorney-General's remarks, Colonel McMaster addressed the Court as follows:

"As president of the Bar Association of Richland, I am directed to appear before your Honors and present a series of resolutions commemorative of the excellent traits of character which distinguished the late Chief Justice of the State.

"Until a few days ago your honorable Court, consisting of three members, enjoyed the blessings of uninterrupted health during your successive terms.

"As the highest court of the State, by the nature of your employment in the interpretation of the law and deciding the legal rights of litigants, you are in a measure debarred from many associations of your fellow-citizens. You have been restricted, in a good measure, to the company of each other, and for about ten years you have heard and discussed the same cases, conferred with each other, spent most of your active, laborious hours in thinking on the same subjects.

"During the long spring, fall and winter seasons of the Court you were daily together, secluded from the world and interchanging with one another opinions of law and your thoughts on men, matters and things which intellectual men converse or think of and take interest in. In this constant intercourse and in this steady flow of friendship, fellowship and judicial labor, you have

lived, thought and acted during a long period of active usefulness to your selves, your friends and your country.

"With such an association, men of intellect, culture and humanity, by the inspiring instincts of duty, must become assimilated in noble thought, aim and action, and become linked together with the strongest ties of friendship which can bind man to man.

"When, therefore, a few days ago, this charmed circle of three beloved brethren was broken and your time-honored associate and chief was suddenly and unexpectedly snatched from your midst, and the ties of love which bound you to him were severed, and you were overwhelmed with grief, and when you came back to your duties and saw that vacant chair draped in mourning for your lost friend and brother, you sighed 'for a touch of a vanished hand and the sound of a voice that is still.'

"It is unnecessary for me to reiterate expression of esteem or give any eulogy on the character of your departed associate and my honored friend. I hold in my hand resolutions which sufficiently portray the admirable traits of character of the Chief Justice which were well known to you, and which made him an object of esteem to all the good people of our State.

"Permit me, however, to make a single remark. He was a fond child of fortune, and during his lifetime, in his career as lawyer and politician, he was decorated with nearly every civic distinction in the power of his State to bestow. At least one of your Honors knew him as a student of the old South Carolina College. Both of you knew him as the citizen, lawyer, Representative in the State Legislature and Confederate Congress, as Lieutenant-Governor, Governor, and Chief Justice, as citizen, lawyer, officer, friend, husband, parent. In every position he honored the office as much as the office honored him. Even base, cowardly calumny never shot a poisoned arrow at this shining mark.

"It was well said of him by a distinguished lawyer that the appellation given by the Romans to Sylla, 'Felix,'—the happy, good, blessed,—could appropriately be applied to Judge Simpson.

"Pardon me for a thought better than that, and which I think is the chief characteristic of our lamented friend. I give it in one sentence: It was the daily beauty of his life. It was his courtesy, conduct and conversation, in his office or on the street,

or in counsel, at public gatherings, at the festive board, on the bench, and at the fireside.

"He had that roundness of character, that symmetry of mind, soul and body which made a Washington and a Lee. Not genius, remarkable learning, or splendid ability; but, better than these, his moral and intellectual powers were so blended in happy equal unison as to constitute a good, useful and honorable citizen, a true Christian gentleman.

"Your Honors lament his loss, the Richland bar laments his loss, and every patriotic son of South Carolina laments his loss."

Mr. W. H. Fitzsimons, of the Charleston bar, asked permission of the Court to present the resolutions adopted by the bar of Charleston. This duty, he said, would have been performed by the solicitor of the first circuit, who had been requested to do so, but had been prevented by the pressure of his official engagements from being present. In his absence he esteemd it a high privilege to now perform the duty which had been assigned to that gentleman.

Mr. Fitzsimons hereupon presented the resolutions as published in the Charleston papers.

Colonel Joseph Daniel Pope, the senior member of the Richland bar, then arose and paid the following eloquent tribute to the memory of the late Chief Justice:

"May it please your Honors: It has been officially announced to this Court that Chief Justice Simpson has been removed by death from his sphere of usefulness here on earth. The deceased Judge, honored for his services, beloved for his virtues, respected for his learning, and revered for the purity of his public and private life, has ceased to occupy his accustomed place. 'The days of man are as grass; the wind goeth over it and it is gone; the place whereof shall know it no more.'

"There is in every man's nature some ruling trait, some quality that sounds the keynote to his achievements in life. In one, the touchstone of his success may be traced to the splendor of his intellectual endowments. His mind seems to grasp the past, the present and the future. Standing upon this vantage ground, his eye seems to survey and his hand seems to mould the destinies of men. In another, we have the matchless power of eloquence, which seems to sweep before it all hostile resistance like chaff before the wind. In another, we have the learning, which gathers

its treasures on every hand, digs up the golden ore as with a spade, and, in our own profession, leads to the success that

> '* * * broadens slowly down
> From precedent to precedent.'

"In another, we have that charm of manner that seems to sweeten human life, not only to its fortunate possessor, but to all others who are permitted to enjoy the sunshine of so rich a nature. In another, we have an indomitable will-power,—a physical and moral courage which thrusts aside every obstacle, and, seizing the opportunity, takes the tide at its flood which leads on to fortune. These high qualities make men great or successful or honored or loved. Some call it luck, others fortune. I tell you nay,—it is that which belongs to character. What, then, we may ask, was the keynote to the success of the late Chief Justice in his life and his work? That keynote may be sounded in two words: exalted character. And what is this thing called character? It is that subtle quality of mind and heart which seems to pervade one man's nature and call forth unbidden the corresponding confidence of his fellow-man. This was Chief Justice Simpson's strength. This character was his, this confidence he enjoyed.

"There are those in our history who exerted a wider influence in public affairs; there are those who more largely moulded public opinion; there are those who held greater sway in the public councils; there are those who were more richly endowed by nature with splendid intellectual powers; but no man in South Carolina ever enjoyed in his day, within the sphere in which he was called to act, a greater degree of public confidence. The late Chief Justice unquestionably possessed no ordinary intellectual gifts; no ordinary learning in the law; no ordinary power of speech when he exhibited himself on public occasions; no ordinary graciousness of manner in social life; no ordinary courage in maintaining his settled opinions. Indeed, he at all times had the courage of his convictions. But none of these qualities could be said to be the strong point of his nature, further than they entered more or less largely into the general make-up of the man. His strong point was his pure life, his unimpeachable character.

"Let us consider from this standpoint his life-work, for it is

finished. Why was it that he attained in his early years, before he had achieved anything like intellectual superiority, a somewhat unusual success at the bar? It was this: the public saw in him the budding promise of a character which indicated integrity, firmness of purpose and lofty aims in his profession. These great qualities grew with his growth and strengthened with his strength until they ripened into full fruition at the age of nearly three score years and ten. He stood next to no man in maintaining the right as he saw it, the truth as he believed it. All this comes of high resolve, of a robust moral nature.

"Why was it that while yet a mere stripling his popularity secured him a seat in the Legislature before he had ripened into full intellectual maturity? Let us remember that the late Chief Justice was no transcendent genius; no great man of affairs, taking, as it were, the world by storm; no fixed star in the intellectual heavens around which revolved planets of lesser magnitude. What was it, then, I ask? What was the spell that drew to him the love and confidence of others? What was it that so early called him into public life and kept him there? We answer: It was the stable beacon tower of character, illuminated by the steady guiding light of judgment, experience and learning. Guided by these lights, Mr. Simpson continued the practice of his profession with flattering success until, in obedience to the call of his native State, he took up arms in her defense. He belonged to that school of American politics which maintains the strictest doctrine of State sovereignty, and never during his whole life did he swerve from the convictions derived from a thorough acquaintance with the teachings of the fathers of the constitution. Here, again, we have the evidence of his high, strong, consistent character. He was no reed to be shaken by the wind; no weather-gauge turning to catch the breeze of popular applause. He believed that the constitution established a republic of States and not a consolidated federal republic. He believed that his allegiance was due to his State, and that when he struck in her defense he was neither a rebel nor a traitor; and as he lived, so he died—in the political faith of the fathers of the republic.

"Why was it that Colonel Simpson was transferred, during the struggle against Federal usurpation backed by Federal arms, from the tented field to the councils of the Confederate States?

Public attention had not been attracted to him by his exploits as a soldier. What, then, called him into the public service of the new confederated States, struggling for the inalienable right of establishing a government deriving its just powers from the consent of the governed? It was a feeling on the part of the public who called him to the position that his high, unselfish character was needed to check the ambition and self-seeking of smaller men, who, often without merit, claimed that they were entitled to the first place. He discharged the duties of his new station, not brilliantly, but safely and soundly, with the instincts of a soldier battling for the right and zeal of a patriot believing in the right. And some day the instincts of the one and zeal of the other will be vindicated, not by arms, let us hope, but by an awakened sense of public danger and a sober return to safer counsels. I remember well seeing Colonel Simpson in the Confederate Congress, and remember, too, the bright countenance with which he greeted me at the old capitol at Richmond as one with whom he had been associated in the old South Carolina Legislature.

"The fratricidal war was ended and Colonel Simpson resumed his profession, impoverished, it is true, but not disheartened. The calamity of Radical misrule overwhelmed us for a season, but there was life in the old land yet. It was not written upon the door of our prison house, 'He who enters here leaves hope behind.' In that struggle upward, which we all remember, from the darkness of misrule to the light and blessings of good government, Colonel Simpson was again called to the fore, and was nominated, without his knowledge, and elected a representative to the Congress of the United States. Why this marked distinction? It came not by reason of his great public services, not because of his conspicuous intellectual gifts, for these at the time were in a manner unknown; but it came by reason of that character that had always evoked confidence in the man; it came because it was believed that he could be trusted; it came because it was believed that he could withstand the corruptions of the times and rebuke the prejudiced counsels of vindictive partisans. True, he was met and excluded by the iron bar which came in the shape of what may be called a greater calamity than war, pestilence or famine—the calamity of what was known as Reconstruction. But our thesis still holds true; the correlatives were

still present—the character of the man and the confidence of the public.

"Nothing daunted by this partisan action, Colonel Simpson pursued the even tenor of his way until, without his consent, and I believe without his knowledge, he was again called to the front and nominated for the second place upon a ticket which contained the name of Wade Hampton at its head. Here it may be said that fortune again smiled upon her favorite son. But this falls short of the exactness of truth. The truth is, good character again lifted into place this upright citizen. He entered upon his duties as Lieutenant-Governor, and in virtue of his office presided over the deliberations of the Senate. How he discharged those duties it is needless here to speak—firm, prompt, courteous, and impartial, he gained the respect and confidence of all.

"Upon the election of the then incumbent Governor to the Senate of the United States, this distinguished public servant, without self-seeking—indeed, without anticipation—was crowned with a new promotion. And here, for the first time in his life, success came to him unawares, and in the form, as it were, of chance, and not, as on prior occasions, through public confidence bestowed upon one who seemed to be in life the impersonation of unblemished character; for by the organic law the Lieutenant-Governor became Governor of the State. And here, too, his mild dignity, his clear judgment, his winning manners, secured for him such adequate popularity that when the position of Chief Justice was declined, through patriotic motives, by an honored member of this Court, the judicial robe now fell upon the shoulders of our deceased friend. He wore it well and he wore it long; and as it dropped from him here on earth it was as pure and spotless as the white robe that fell upon him as he passed through the dark valley and entered into the life of the great beyond. And so he walks today in the celestial city, and dwells in a house not made with hands, eternal in the heavens. Here on earth we shall meet his benignant countenance no more. He will call no more cases to be heard on appeal here, for he has carried up his own last appeal to Him who hears in justice but pronounces judgment in mercy. And oh, how often as we, too,

my brothers, shall follow him adown the hillside of life—on the shady side—shall we miss

'The touch of a vanished hand
And the sound of a voice that is still.'

"He sleeps the sleep of the righteous. His ear of flesh shall no more hear the sound of the church-going bell as it called him to prayer, but his spirit still lives in that undiscovered country from whose bourne no traveler returns. And if we could imagine that wrong and oppression can be there—that the poor, the feeble and the helpless are there; that the widow and the orphan are there—there, too, in their midst we shall find his disembodied spirit, ready to be, as he was on earth, their guide, their counsellor and friend. We kneel today at his shrine and do homage to his memory. But those who are to come after us will often speak his name in this Court, and in the time to come many will 'rise up and call him blessed.' "

Associate Justice McIver thus expressed the sentiments of the Court on this mournful occasion:

"Gentlemen of the Bar: As the presiding officer, temporarily, of this Court, my duty, as well as my feelings, prompt me to attempt some response to the well-merited, just and beautiful tributes which our brethren of the bar have paid to the memory of the distinguished deceased. While I do not hope to add anything to what has been so well said, I cannot permit the occasion to pass without contributing my mite to the just meed of praise so eminently due to one with whom I have been so long, so pleasantly and so profitably associated. My acquaintance with the late Chief Justice commenced within the classic walls of yonder college, when, soon after I entered, he was about to leave that institution crowned with its honors, which only served to foreshadow the higher distinction which he was destined to attain in the sterner conflicts of public life. Although our intercourse then was limited to a comparatively short period, yet accidental circumstances brought us into closer acquaintance than is usually enjoyed by members of the lowest class with those of the highest class. His strikingly handsome personal appearance, his genial and kindly manners, and his affable disposition, attracted my regard, while his eloquence, as exhibited on the college rostrum,

excited my admiration. I was not surprised, therefore, when he entered public life to find him at once stepping to the front and maintaining his position with that boldness and ability for which he was always so remarkable. In whatever sphere of life circumstances or inclination threw him he was eminently successful. It has been given to but few to attain the highest distinction in every department of the Government, as that involves varied qualities of the highest order, both of the head and heart. But these were found in an eminent degree in the subject of these remarks, and hence we find his name inscribed amongst the first in the three great departments of the Government—the legislative, the executive and the judicial. It would, perhaps, be out of place here to undertake to designate particularly the various instances in which he distinguished himself in these several departments; but I trust I may be permitted to allude to one scene in the career of our lamented friend and brother which those who witnessed it can never forget. In the momentous struggle of 1876, when William D. Simpson, as Lieutenant-Governor, assumed the chair as presiding officer of the Senate, a position entirely new to him, the promptness, boldness and ability with which he met and defeated the last desperate effort of the miserable faction which had so long tyrannized over the State to retain the control of that branch of the General Assembly marked him as a man fit to meet any emergency, as one who had the ability to conceive promptly the right course and the boldness to carry it out in the face of the most determined opposition.

"But, while it might be a pleasing task to recall many scenes in the life of William D. Simpson illustrative of his many virtues, it seems more appropriate to speak of him here merely as a judge. Here he won his highest fame, and here he has erected his most enduring monument. The pages of the South Carolina Reports, where his many judicial opinions are recorded, will furnish the highest evidence of his eminent ability as a judge and the faithful performance of the high trust last confided to him by the repeated unanimous voice of the representatives of the people of South Carolina. While through these opinions, as well as by the conspicuous ability, impartiality and courtesy with which he has presided over this Court, our brethren of the bar have been enabled to form some conception of his great merits as a judge, his two surviving brethren of this bench have enjoyed

still better opportunities to measure his capacity as a judicial officer, and it affords us a melancholy pleasure to bear willing testimony to his greatness as a judge. In the consultation room we shall sadly miss his wise counsel and his wonderful capacity to elucidate the most abstruse case.

"Chief Justice Simpson had studied law as a science, and his mind was thoroughly imbued with the fundamental principles upon which law, as a science, rests. He was no mere case lawyer, and, though far from disregarding the authority of adjudicated cases, his first effort, upon coming to the investigation of a case presented for decision, always was to ascertain the underlying principles by which the questions arising should be tested, and then to follow those principles to their logical result, unless controlled by some authoritative decision, to which he was always ready to render loyal obedience. He was, therefore, of inestimable value in consultation, and however well satisfied I might be of any conclusion that I may have reached, I felt a much more assured confidence when I had his concurrence.

"Without undertaking to analyze his intellectual character, it always seemed to me that his mind was most remarkable for its quickness, clearness, and breadth of view. He seemed to be able, almost intuitively, to unravel the most complicated state of facts, and to clearly perceive the nicest distinctions, while the breadth of his intellectual vision was such as to insure a full view of the subject under consideration. He had another high quality necessary to make a great judge—boldness. I am quite sure there never was a man less likely to be influenced by popular clamor, let it come in what shape it might, in the performance of official duty than William D. Simpson. Of him it may be said with perfect truth that he had 'the courage of his convictions.' When once convinced of the correctness of a conclusion, he was utterly regardless of personal consequences, and he would stand upon it as firmly as a rock. But what is of more real value than anything that has been said of him, Chief Justice Simpson was a man of the highest character. Indeed, his moral tone was singularly high. He utterly abhorred anything low or mean. His whole conduct and conversation showed that his guiding star through life had been the purest moral principles, and after passing a long life, nearly reaching the allotted term, in many varied scenes and exposed to many temptations, even his enemies

(if he left any) would find it impossible to point to a single blot upon his moral character. But he has gone, and it only remains for us to strive to follow his noble example by recalling his many virtues as a wise legislator, an efficient executive, a great judge, and, above all, a good man."

Associate Justice McGowan said:

"I know it is customary on such melancholy occasions as this for the senior judge present, in answering the orders named, to speak for the whole Court; but on account of the long association and the very intimate relations which existed between the late Chief Justice and myself, I ask the personal indulgence of being allowed in this public manner to lay a single chaplet on his bier, and to add one word to what has been already so well said.

"The public life and most fortunate brilliant career of our departed friend, both in the affairs of State and as a judicial magistrate holding with firm hand the scales of justice, have been freely and truthfully alluded to, in all of which I most heartily concur. Speaking generally, it may be said with absolute sincerity that I have known no man who was more devoted to his State than Judge Simpson. In birth, in education, in principle and sentiment, he was essentially a South Carolinian. He loved her people, he loved her soil, he loved her institutions, and he especially loved her good name, her reputation, and her glory, with a singleness of devotion which neither time nor circumstances nor misfortune or disaster could in the least abate or disturb.

"I have not the slightest doubt that, if necessary, he was ready at any time to sacrifice himself for the good of her people. As a rule, he took his stand upon principle rather than expediency, and that made him consistent and firm as adamant. In any great emergency his course could be predicted in advance with perfect certainty. He was wise in council and firm in action. But he has gone from amongst us; his chair is vacant, and 'the places which knew him shall know him no more forever.' We are feelingly told that we are mere shadows; that 'in the midst of life we are in death.' Even so. The summons to our friend was short and unexpected. He was cut down in the midst of his career of usefulness, leaving on his table an opinion half written. He fell in full harness at the post of duty. We cannot doubt that he sleeps well. His character, however, is still left us,

which, being peculiarly the product and outgrowth of our own civilization, may be safely taken as a good example upon which to sustain, continue and perpetuate that civilization.

"But my only purpose was to make brief reference to the private life and character of our departed friend; to speak of him simply as we are accustomed to think of him—as a man, as a gentleman, comrade and friend. Although born and reared in the same county of Laurens, it so happened that I knew very little of him until we met at the State college, our beloved *alma mater*, now in view. There, within those familiar walls and in the very flush of the morning of life, commenced an acquaintance —soon ripening into a friendship—which, defying the vicissitudes of fortune, survived the shocks and storms of more than forty years, and at the day of his death was as bright and undimmed as at the beginning. During that long and eventful period we were intimately associated, in various forms and different ways. We practiced law upon the same circuit; we served several terms together in the Legislature before the war, and, when the war came upon us, fortune again threw us together as officers of the same regiment. When that momentous struggle was over, we suffered together during the terrible dark days of misrule, anarchy and robbery in the State. We were colaborers in the great work of redeeming the State in 1876, and, finally, we have been associated for the last ten years in the responsible, important, exacting, and arduous but agreeable labors of this bench.

"With all the intimate knowledge of our friend, necessarily afforded by this long and varied experience, I can say—I feel bound to say—that at all times and under all circumstances, in the fierce conflicts of the forum or the quiet walks of private life, in adversity or in prosperity, through evil report and good report, in peace or in war, W. D. Simpson ever proved himself to be an honest, truthful man, just, faithful, and reliable.

"Judge Simpson had a clear, analytical mind, with wonderfully quick apprehension, which, passing over details, sought the principle involved on which to rest. He had a warm and generous heart full to overflowing of the milk of human kindness and ever responsive to the cries of suffering and distress. His conduct was habitually regulated by rule. The pitch of his character was high and without the least spot of blemish, while

his manners were those of a cultured gentleman, simple and natural, but courteous—to the world, possibly, somewhat repressed by a sensitive, retiring and modest nature, but to those within the circle of his immediate friends there was no reserve, but absolute frankness, trust and confidence, his heart glowing like a furnace in full blast.

"Loving and beloved, he was the very idol of his family, and deserved, if ever man did, to be ranked in that glorious band of whom it has been said:

> **'The friends thou hast, and their adoption tried,**
> **Grapple them to thy soul with hooks of steel.'"**

At the conclusion of Judge McGowan's remarks, Judge McIver said:

"The request of the bar will be complied with, and the resolutions entered upon the minutes of the Court; and as a further mark of respect the Court now stands adjourned until 10 a. m. tomorrow."

CHIEF JUSTICE HENRY McIVER.

A Sketch of the Head of South Carolina's Judiciary—A Scion of Distinguished Stock—A Lawyer, Patriot and Jurist with Untarnished Record.

Mr. Chief Justice Henry McIver was born about sixty-five years ago, near the village of Society Hill, a community of many social advantages, in the present county of Darlington, in the State of South Carolina. He was of Scotch ancestry, his great-grandfather Rodrick having immigrated to this State shortly after the battle of Culloden. His grandfather, John E. McIver, married Mary Ann Williams, the sister of David R. Williams, for some time a member of Congress and Governor of the State. His father, Alexander McIver, married Mary Hanford, the daughter of Enoch Hanford, of Connecticut, the first professor of languages in South Carolina College, and was afterwards a practicing lawyer of repute, in partnership with his brother-in-law, the late Josiah J. Evans, for many years one of the judges of the Law Court of Appeals of the State, and a United States Senator as the colleague of Mr. Calhoun. It will be noted that Mr. Chief Justice McIver came from a worthy and distinguished stock, and is none the worse for having a strain of the colder Puritan blood of New England mingled with the warmer temperament of Southern latitudes. We have evidence of this happy connection in the cool judgment, warm manners and hearty companionship of their distinguished descendant.

In 1836 the father of Mr. Chief Justice McIver, himself a distinguished lawyer, removed to the old town of Cheraw, where the son has ever since resided, seeking no political preferment, but devoting all the energies of his fine mind and superior attainments to his profession. Young McIver graduated with distinction in a large class. To his credit, be it said, he taught school during his college vacations, thus aiding to defray the expenses of his college course, and to that extent assisting his father, who had a large family dependent upon him. After graduating he commenced the study of law in his father's office, and in December of the same year, by reason of his superior endowments and

great diligence, was admitted to practice in the law courts of the State, and in the following year was enrolled as a solicitor in the courts of equity. As soon as he was called to the bar he entered into a copartnership with his father, who was then the State Solicitor, or prosecuting officer, on the Eastern Circuit.

Shortly after the young practitioner commenced his career at the bar, the health of his father became so much impaired that he was unfitted to discharge the arduous duties of his office, and the son, as his deputy, performed those duties with satisfaction to the public and credit to himself until his father died, and the son was now appointed solicitor by the Governor to fill the vacancy until the close of the next session of the Legislature, the solicitor then being elected by the Legislature and not by the people, as now. At the election Mr. McIver did not become a candidate for the office, yielding to one who, by reason of his large experience at the bar, he modestly supposed was better fitted for the position. Within a short time the new incumbent died, leaving again vacant an unexpired term, and Mr. McIver, still a very young man, was the second time appointed by Governor Manning to perform the duties of the office until the succeeding session of the Legislature, at which time he was duly elected Solicitor of the Eastern Circuit for the term of four years, and was successfully elected at the expiration of the second term in 1857, 1861 and 1865, holding the lucrative office until 1868, when, under the reconstruction acts of Congress, the entire Government was reorganized.

As we have said, the subject of this sketch has always devoted himself exclusively to his profession. Having no taste for political life, he has never been a candidate for or a member of any legislative body. He was chosen to represent his fellow-citizens, without solicitation on his part, in the Secession Convention called by the State in 1860, and in 1865 he was again chosen to represent them in the convention called under what is now known as the reconstruction policy of President Andrew Johnson; and to both he was chosen without desire on his part. He was not prominent in the public deliberations of these bodies, but as a member of their committees he performed his share of the delicate and important work entrusted to them. When the war that resulted from the act of secession was begun, though having neither taste nor turn for military life, he thought it his duty to

defend the principles for which his State contended, and under a conscientious conviction of their rightfulness he entered the army and continued in military service until the close of the war, a reminder of which he today carries upon his person, having been severely wounded in battle twice in the same day.

After the close of this protracted and frightful conflict he found himself without high titles as a soldier, without means, with a country impoverished, with business at a standstill, with the courts (the forum of his life ambition and success) closed, the future dark, uncertain and well-nigh hopeless. But he did not despair. He wisely concluded that the only course was to submit, hopefully and cheerfully, to the inevitable. He accordingly devoted the summer and autumn of 1865 to a careful review of the law (his practice having been interrupted for four years), and when the courts were reopened in the spring of 1866 he found himself equipped at all points and fully prepared for the large and lucrative practice that immediately flowed in to him in the counties of Chesterfield, Marlboro, Darlington and Marion. It may be that he was out of place in political and military life, but at the bar he was truly the master in his own domain. His address, his bearing, his industry in the preparation and the logical presentation of his cases, and his easy eloquence, at once placed him in the front rank of the profession. Hence, when the State Government in 1876 passed once more into the hands of the intelligent elements of society, where under any system of good government it rightfully belongs, Mr. McIver came to his own. On the 19th of May, 1877, he was elected Associate Justice of the Supreme Court of South Carolina to fill out the unexpired term of Mr. Associate Justice Willard, who had just then been elected Chief Justice to fill out the unexpired term of Chief Justice Moses, then lately deceased. The term of Mr. Chief Justice Willard as Associate Justice would have expired on the 31st of July, 1878, and accordingly, at the regular session of the Legislature in December, 1877, Mr. Justice McIver was unanimously elected Associate Justice for the full term of six years, beginning on the 1st of August, 1878. The term of Chief Justice Moses, deceased, would have expired on the 29th of July, 1880, and accordingly, at the preceding session of the Legislature in December, 1879, an election was held for Chief Justice for the term of six years, and Judge McIver was unanimously elected.

We now enter upon a chapter in the life of Judge McIver which must ever reflect credit upon him as a man and as an unselfish patriot. The right to hold the election at that time was strongly disputed by the then Chief Justice (Willard), who claimed that by virtue of his election as Chief Justice in May, 1877, he was entitled to hold the office for the full term of six years, to-wit, until May, 1883, and that his tenure was not limited to the unexpired term of his predecessor. The Legislature, however, took a different view, as the words of the constitution clearly warranted, to-wit, that Willard was elected and could only hold office for the unexpired term, and therefore the General Assembly proceeded to hold the election in December, 1879, to fill the vacancy that would occur in the office of Chief Justice on the 29th of July, 1880. The election of Judge McIver as Chief Justice would, of course, leave the office of Associate Justice vacant at that date; and, upon mature deliberation, the conclusion was reached that the Legislature had no power to fill the vacancy at that time—in advance—which would occur in the office of Associate Justice when he (McIver) should accept the office of Chief Justice in August, 1880, which would then become vacant under the theory upon which the Legislature had acted; and that, therefore, the title to the office of one who should then be elected Associate Justice to fill the vacancy occasioned by Judge McIver's acceptance of the office of Chief Justice in August, 1880, might well be questioned. The validity of his election as Chief Justice was beyond question, but the title of the person who should be elected in the place of Associate Justice McIver would not only be questioned, but would, in the opinion of the Attorney-General, be questionable. This, of course, would have embarrassed very much, if it had not thrown an insuperable obstacle in the way of, the proper decision of the question which it was then Chief Justice Willard's intention to make as to his own tenure, and which he afterwards did make unsuccessfully. The practical question to Judge McIver was whether he should, merely for the additional honor and emolument incident to the office of Chief Justice, expose the State to the hazard of having its most conservative element—the judiciary—at a most momentous crisis disorganized and its authority called in question. To such a predicament there could be but one answer from any right-minded, patriotic man, and Judge McIver was such a man.

Accordingly, he addressed a letter to the Legislature declining to accept the office of Chief Justice, and the late Chief Justice Simpson was elected in his stead. Since that time, to-wit, December, 1883, Judge McIver has again been reëlected unanimously to the office of Associate Justice for the term of six years from the 1st of August, 1884, and on the 1st day of December, 1891, Judge McIver was elected Chief Justice to succeed the late Chief Justice Simpson.

Such is a brief outline of the life, character and public services of Mr. Chief Justice McIver, who has in every way adorned the profession. In private life he unites the advantages of an imposing person, remarkable colloquial powers, and genial manners. At the bar he pressed home his causes with earnestness, eloquence, and ability. On the bench he is at once dignified, courteous, and patient. Mr. Chief Justice McIver may be said literally to hear a cause. He never interrupts counsel in argument except briefly, and occasionally to fix his own understanding of a fact. No matter how full the printed notes of the argument may be, he rarely follows the printed page (except when necessary for an authority), but keeps his attention fixed upon the counsel engaged in presenting the case. He never anticipates the argument (as is often done) by suggesting difficulties, for he takes it for granted that these will be met and overcome at the proper time and in the proper place. He gives the same earnest attention to the diffident young debutant that he does to the venerable senior. To the youngest members of the profession everywhere Mr. Chief Justice McIver teaches that declamatory harangues to the populace are not necessary to success; that political life to a lawyer is often a snare and a pitfall; that high character, with careful attention to business, will lead more surely, step by step, to the highest rewards of the profession.

U. R. B.

MEMORIAL EXERCISES OF CHIEF JUSTICE MCIVER.

On January 14, 1903, at 1:30 p. m., Mr. Attorney-General G. Duncan Bellinger appeared in the rooms of the Supreme Court and said:

"It is my painful duty to officially inform the Court of the death of our beloved Chief Justice, which occurred at his home at Cheraw on the 12th of this month.

"I beg to suggest that 8 o'clock of the evening of Thursday, the 22d, be assigned for appropriate memorial exercises."

The suggestion was adopted, and the Court, on motion, adjourned for the day.

According to previous appointment, the Court met in the Hall of the House of Representatives on Thursday evening, January 22, 1903.

Mr. J. E. McDonald read the memorial written by Mr. R. W. Shand:

"Henry McIver, Chief Justice of South Carolina, died at his home in Cheraw on the 12th of January, 1903, in the seventy-seventh year of his age and in the twenty-sixth year of continuous service on the bench of the Supreme Court of his native State, during the last eleven years of which he was Chief Justice. Born in Society Hill, September 25, 1826, the son of Alexander McIver and Mary Hanford, his wife, he died at Cheraw, in an adjoining county, having lived his entire life in this State. He graduated with distinction at the South Carolina College, in December, 1846, and was admitted to the practice of law a year later. Assisting his father, then Solicitor of the Eastern Circuit, during his lifetime in the prosecution of crimes and misdemeanors, he was appointed solicitor by the Governor upon the death of his father in the summer of 1850, and held the office for the remainder of the year. Again, in 1853, he became solicitor, and held the office continuously until legislated out of his office by the constitution adopted in 1868, under the reconstruction acts of the United States Congress. But his discharge of the duties of his office was suspended during the years in which he served the Confederate States of America in the Fourth Regiment of South Carolina Cavalry, being twice wounded in battle.

"From 1868 to 1877, Henry McIver was a private citizen, studying and practicing law. When the State Government was reclaimed by her own citizens, under the leadership of Wade Hampton, the first vacancy on the Supreme Bench was filled by his election as Associate Justice in May, 1877. His first opinion was in *ex parte Smith*, the first unquestioned decision that Wade Hampton, and not Chamberlain, was Governor of South Carolina. In December, 1879, he was elected Chief Justice as successor to the then incumbent, whose term of office expired in July, 1880, but in the interest of his State, for sufficient reasons well

known to all, he declined the higher office, and continued to be Associate Justice until December, 1891, when he was elected Chief Justice, which latter office he held until his death on Monday of last week. He was a member from Chesterfield county of the constitutional convention of 1860, in which he signed the ordinance of secession, and of the convention of 1865, which accepted the results of Lee's and Johnston's surrenders.

"We trust that this bare outline of a noble man's life will not satisfy any one who wishes to help himself or inspire others by a study of the lives of great men. Other records will furnish further details, while the strong mental and moral characteristics of Chief Justice McIver will be found in volumes 8 to 64, both inclusive, of the South Carolina Reports. The volume of work done by him while on the bench will be appreciated when it is considered that from 1 Bay and 1 DeSaussure to 64 S. C. (not counting Treadway, whose cases are all republished by Brevard), one hundred and forty-five volumes of reports have been published in one hundred and sixteen years, while Chief Justice McIver's opinions for twenty-five years are to be found in fifty-seven volumes—more than one-third of the whole issue.

"In all these cases there will be found not one opinion displaying careless or hasty consideration; not one showing on his part a disposition to avoid a positive committal on any point necessary to the decision; not one in which there is any doubt as to what the decision means, or, if perchance there be one such, it was by reason of error in the language chosen and not by reason of intended obscurity of expression because of uncertainty in his own mind or of fear of criticism. He was the complete lawyer, his whole life devoted in study, in practice and in elucidation, to this profession. With undaunted moral courage, with full knowledge of the law, with a clear and trained intellect, with logical reasoning, almost always conclusive, and with absolute impartiality, his decisions are monuments to his character and genius. In the early years of his judgeship he declared in unmistakable ruling the law of the land in such opinions as those in Faber *vs.* Police, Simons *vs.* Bryce, and Robertson *vs.* Lowrance, and for generations yet to come these and very many others will be recognized as ruling cases. He it was who first served to restore the decisions of South Carolina to the respect which before 1868 they commanded in the Supreme Court of the United

States, in the courts of other States, and even in far-away Westminster Hall. If not too modest to appreciate his own exalted merits, it must have been a pleasure to him in his declining days to feel how much had been accomplished by him for the future as well as the present in his contributions to the law. To the people of the State, especially to his friends, it is a pleasant reflection that his many legal opinions will always be of him a monument more enduring than brass, and that in the long array of distinguished jurists who have adorned the bench of South Carolina, in a period of over two hundred years, no one will stand higher in the appreciation of posterity than Henry McIver. We may here record that because of the vacancy caused by the death of Chief Justice Simpson, and the subsequent serious illness of Associate Justice McGowan, he wrote all of the decisions of the Court for November term, 1890, to be found in 34 South Carolina Reports, and yet these cases are all regarded as of highest authority, in fact as well as in law.

"His friends and acquaintances well know, and, therefore, it should be here recorded, that his social qualities and private character adorned his long life. One of many evidences of this was exhibited when he declined his election to the office of Chief Justice in 1879 because he feared that his acceptance would result in a decision upon an important issue by a court whose legality might be questioned. His associates on the bench, the lawyers who contended in his Court, his friends and neighbors, all take greatest pleasure in testifying that his genial qualities and exalted character were of the same high order as his learning and abilities. In commending him to the emulation of others as judge, we may also show with pride how his life has demonstrated that the great man may pass all his days as a good man, unstained by weakness or vice.

"The death of such a man is a great loss to the judiciary and, therefore, to the State. Let his memory be cherished as a heritage, and may this memorial help to inspire rising generations to appreciate the great value of such a life to one's country."

Appropriate addresses were made by the following gentlemen at the memorial: Mr. Attorney-General U. X. Gunter; Mr. J. E. McDonald, of Fairfield, President of the Bar Association; Mr. J. H. Hudson, of Marlboro; Mr. Theo. G. Barker, of Charleston; Mr. LeRoy F. Youmans, of Richland; Mr. C. A. Woods, of

Marion; Mr. C. C. Featherstone, of Laurens, who read the resolutions of the Laurens bar of that court; Mr. M. L. Bonham, of Anderson, and Mr. A. M. Boozer, of Richland. Mr. Chief Justice Pope and Associate Justices Eugene B. Gary and Ira B. Jones responded to the resolutions.

The following order was made at the conclusion of the exercises:

"The death of the late Chief Justice being officially brought to the attention of the Court by the Attorney-General, and a memorial of him being presented to the Court by the Bar Association of the State through its president,

"It is ordered by the Court, that the memorial be recorded in the minutes of the Court, and that a certified copy of the same be transmitted by the clerk to each of the surviving children of the deceased, and also that a copy thereof be sent to each and every newspaper in the State.

"Y. J. POPE,
Chief Justice."

"22d January, 1903.

CHIEF JUSTICE POPE.

Mr. Justice Pope was born in the town of Newberry, in this State, on the 10th day of April, 1841. His father, Thomas H. Pope, was a lawyer, and his industry and ability had already won distinction at the bar when death removed him from the scenes of this life at the age of forty-seven years. Thus was the subject of this sketch left fatherless before he reached his tenth year. But his devoted mother, Mrs. Harriet Neville Pope, née Harrington, with a family of six boys and one girl, spared no pains to instill into the mind of her son the necessity, in the discharge of the duties of life, to be considerate always of the rights and feelings of others, to be guided by a high sense of honor, and to avail himself of every opportunity for an education. It is easy to trace in the life of Justice Pope the teachings of his widowed mother, for he is at all times courteous and gentle in his demeanor to his fellow-men. In matters of duty his counsel is eagerly sought by those who know him. He was educated in the academy of his native town, and at the age of thirteen he entered Furman University at Greenville, in this State, from which institution he graduated in August, 1860, when a few months beyond the age of nineteen years.

Under the advice of Chief Justice O'Neall, who had married the aunt of Mr. Justice Pope, he began the study of law under his eye and direction. When the war burst upon the country in 1861, Justice Pope entered the ranks and carried his rifle for thirteen months, and was then made adjutant of the Third South Carolina Regiment, with whose fortunes he was linked until August, 1864, when he became Acting Assistant Adjutant-General, James Connor's Brigade, which had formerly been commanded by General J. B. Kershaw. The attachment of this old brigade, and especially the Third Regiment thereof, for this man is deep seated. With them, on the field on in camp, he always discharged his duty. No great battles were fought by the Army of Northern Virginia without the presence of the Third Regiment and Kershaw's Brigade, except the second Manassas. They participated in Bull Run in 1861; Williamsburg, Seven Pines, the seven days' battle around Richmond, Maryland Heights, Har-

per's Ferry, Sharpsburg, and Fredericksburg, in the year 1862; Chancellorsville, Gettysburg, and Chickamauga, in 1863; the Wilderness, Spottsylvania Court-house, North Anna, Cold Harbor, and Petersburg, in 1864.

That Justice Pope did his whole duty as a soldier, his old comrades all testify, but his body bears testimony that he always fought with his face to the foe. At Fredericksburg in 1862, at Gettysburg in 1863, at Chickamauga in 1863, and at Brucetown and Cedar Creek in 1864, he received, in all, seven wounds. A Minie bullet destroyed his left eye, he was shot through the mouth, and in his side and left leg there are deep scars from shot and shell.

When the war was over he resumed the study of law, and in May, 1866, was admitted to the practice of his chosen profession. He was not content to labor at his profession alone, for whenever and wherever duty to the State called his services he gave them freely. It was while he was defending five gentlemen in the United States Court at Columbia in 1872, on the charge of Kukluxism, that the presiding judge, so touched by his masterful preparation of the law and the testimony bearing on the case, remarked: "The people of South Carolina have sent to Kentucky and Maryland for attorneys to defend their people at the costs of thousands of dollars, and here it is that one of their own sons has excelled them both." His defense of his clients was well-nigh perfect.

He was known far and wide for the justness of his thoughts. He seemed formed by nature for this important duty. He has a polite address, an easy carriage, and a very pleasing countenance. His voice is strong, clear, and agreeable. He is endowed with a happy memory, and is a complete master of all the arts of persuasion. To his other advantages he added that of the most graceful action and accent, by which he knew how to get into the very souls of his hearers.

There was no movement looking to the overthrow of the carpet-bagger and scalawag and negro government in this State that did not receive his earnest support. It was natural, therefore, to expect him to be in the front rank of the revolution in 1876, that restored the State to the whites. In 1877 he entered the House as one of the Representatives from Newberry. His argument against the recognition of the State bonds issued in fraud and against the provisions of the State constitution so impressed

both sides of that discussion that a special tribunal, known as the Court of Claims, was organized to settle these vexed questions. With a spontaneity honorable alike to the members of the Legislature and to Judge Pope, he was elected by the Legislature, over the heads of many other distinguished lawyers, one of the State's counsel before that court. The final labors culminated in the rejection of more than one and one-half millions of dollars of such fraudulent bonds. After this case ended, Judge Pope returned to his practice in the counties of Newberry and Laurens. The State Reports show that as an attorney he managed causes of importance and with success.

He was five times elected mayor of his native town, and never received a dollar of salary for such office. From 1865 to July, 1868, he was the Judge of the District Court of Newberry, and such was his fairness and ability that no appeal was ever taken from one of his decisions, either as mayor or district judge.

In May, 1888, he was unanimously elected temporary president and also president of the State convention of the Democratic party of this State, and in the same year he was elected Senator from Newberry county. While in the Senate he was an earnest advocate for the establishment of Clemson College. His course while in the Senate plainly showed that he was in sympathy with that portion of the Democratic party which afterwards became known as the Reform wing of that party.

During the year 1890 the candidates for the State offices appeared before the people as avowed candidates for such offices: B. R. Tillman for Governor; Eugene B. Gary for Lieutenant-Governor; James E. Tindal for Secretary of State; William H. Ellerbe for Comptroller-General; Y. J. Pope for Attorney-General; General Hugh L. Farley for Adjutant and Inspector-General; W. T. C. Bates for State Treasurer, and W. D. Mayfield for Superintendent of Education. As the result of the campaign he was elected to the office he sought by an overwhelming majority. As Attorney-General, Judge Pope bore himself with conspicuous ability. It was during his term of office the famous case of the State *vs.* The Coosaw Phosphate Company was brought; its result is well known.

On the 3d day of December, 1891, he was elected as Associate Justice of the Supreme Court of this State. Owing to the political excitement incident to that period of our history, doubts

were expressed as to Judge Pope's ability to maintain himself in this new sphere of labor, but after a few weeks and months these doubts were removed and his friends made to rejoice that their confidence had been justified. A glance at him as he sits in open court shows that he is indeed a judge—calm, courteous and attentive in manner, quick in apprehension, happy and lucid in statement, firm and tenacious in opinion. His life as a judge seems to be based upon the thought "this Court is the temple of justice." It is gratifying to the whole people of the State to see with how much approval his decisions are received outside the State. Leading law journals and reviews, as well as books of reports, contain his decisions. The Chicago "Law Journal," in August, 1895, referred to the opinion of Justice Pope in the case of McCreery *vs.* Davis as the ablest judicial opinion on the subject of divorce which has appeared in the past quarter of a century.

On the 30th day of January, 1896, Mr. Justice Pope was unanimously reëlected as Associate Justice of the Supreme Court, under our new constitution, for the full term of eight years.

On the 20th day of January, 1903, he was elected to the high office of Chief Justice, succeeding the lamented McIver.

Chief Justice Pope is one of the best equity judges that this State has ever produced.

He is as true to his friends as the needle is to the pole.

When not occupied in hearing causes in the Supreme Court he resides in his native town of Newberry, where he has a pleasant home presided over by his accomplished wife, who is the only daughter of the late Colonel Simeon Fair.

Mr. Justice Pope was made by law one of the trustees of the South Carolina College, and served as such until the law was changed, and for the past twenty-odd years he has been a member of the board of the Newberry College. He is a member of the Baptist Church and one of its officers; yet so broad and generous are his sympathies that he is loved by all Christians.

The State of South Carolina may well cherish this old soldier; she honors herself in putting in office of the highest responsibility one who has served faithfully in peace as in war.

On the 23d day of January, 1906, Chief Justice Pope was reëlected, without opposition, for the full term of eight years.

SOLOMON L. HOGE.

Solomon L. Hoge was born in 1836 in Logan county, Ohio, and was admitted to the bar of that State in 1858. He entered the Federal army in 1861, and served during the Civil War—mostly in the field—rising to the position of captain and brevet major in the Sixth Regiment of United States (regular) Infantry. He was for a time attached to the Freedmen's Bureau in this State, was acting inspector-general and occasionally served as judge advocate in courts martial or military commissions. He was commissioned Associate Justice of the Supreme Court on July 31, 1868, and resigned in January, 1870. During his entire service on the bench he did not write a single opinion.

JONATHAN J. WRIGHT.

Jonathan J. Wright, colored, was a native of Pennsylvania, and was thirty-three years old when, on January 30, 1870, he was elected Associate Justice of the Supreme Court to fill the unexpired term of Justice Hoge, resigned. He came to South Carolina during the Civil War, locating in Beaufort, while holding an office in the Freedmen's Bureau. He was a delegate from Beaufort in the constitutional convention of 1868, and was in that year elected to the Senate from that county. Associate Justice Wright graduated from, and then studied law for two years at, Montrose, Pennsylvania. He was admitted to the bar in Susquehanna county, being the first negro licensed to practice in that State. He had practiced only four years before coming to South Carolina, and when elected to the bench was practically without experience in the courts of this State. No white man of his limited experience and attainments (except his immediate predecessor, Hoge,) could have been elected to the bench in South Carolina. He was chosen because he was a negro—and most of the Democratic members of the Legislature thought it well to vote for him as against W. J. Whipper, also a negro.

It was generally believed that Justice Wright had the help of some capable lawyer in preparing his opinions. Some of these papers bear evidence of having been written by a good lawyer, being in their language, arrangement and citations manifestly beyond Wright's capacity.

In the contest for the possession of the State Government in 1876-77, several questions of importance came before the Supreme Court, and upon most of these Justice Wright acquitted himself in a manner to evoke the commendation of the white people of the State and of the independent press in other parts of the country. Finally, however, he took a course which was generally condemned and which led to his retirement from the bench. In the case brought to determine the conflicting claims of Wade Hampton and D. H. Chamberlain to the Governorship, Justice Wright united with Justice Willard in an order which in effect decided that Hampton was Governor. On the request of Justice Wright, the filing of the order was delayed a few days. He

then filed a paper withdrawing his concurrence, together with a labored opinion in which he declared that Chamberlain was Governor.

At the legislative session in the summer of 1877, Justice Wright was charged with official misconduct, and the trial was postponed till the regular session to commence in November following. The committee appointed to prepare articles of impeachment reported that he tendered his resignation, which had been accepted by the proper authority. The committee further reported that "the resignation of Judge Wright was not superinduced by the proceedings instituted against him in the House, but was offered as a voluntary tribute to the peace of the State."

ALEXANDER C. HASKELL.

Judge Alexander C. Haskell was born in Abbeville county, September 22, 1839, the fifth child of Charles Thomson and Sophia (Cheves) Haskell. In early years he was educated at home under private instructions, and at about the age of fifteen attended school for a time in Charleston. In 1856 he entered the South Carolina College, from which institution he was graduated in 1860 with the second honors of his class. In January, 1861, Mr. Haskell enlisted as a private in Company D, First Regiment South Carolina Volunteer Infantry, under command of Colonel Maxcy Gregg. The original term of enlistment for the regiment was six months, at the expiration of which time the regiment was reorganized and Mr. Haskell was appointed adjutant, which rank he held until November, 1861. At that time Colonel Gregg was made brigadier-general, and Adjutant Haskell was appointed his chief of staff, a position he held until General Gregg was killed at Fredericksburg, in 1862. He continued in the same position under General Gregg's successor, General Samuel McGowan, and also under General Abner Perrin. In March, 1864, he was given command of the Seventh Regiment South Carolina Cavalry, with the rank of colonel, and he continued in this capacity until the surrender at Appomattox. Colonel Haskell was detailed by General Lee to surrender the Confederate cavalry to General Merritt, of the Federal cavalry. During his term of service Colonel Haskell was engaged in the battles of Antietam, Fredericksburg, Chancellorsville, Cold Harbor, and many other important engagements incident to the campaign in which his command took part. At the battle of Cold Harbor he was badly wounded in May, 1864, and still carries the ball. He was also wounded and left on the field for dead at Darbytown, near Richmond, October 7, 1864. Colonel Haskell, with two men, Sergeant Snowden and Private Welch, was trying to get to General R. E. Lee when he rode up on General Kautz at the head of his brigade. Kautz ordered him to surrender. Haskell responded by killing two of his staff officers and was himself shot by Sergeant James D. Keech, Company D, Sixth Pennsylvania Cavalry. Sergeant Snowden was killed and Private Welch captured.

No. 1—Judge A. C. Haskell
No. 2—Judge Samuel McGowan
No. 3—Judge Eugene B. Gary
No. 4—Judge Ira B. Jones
No. 5—Judge C. A. Woods

When Kautz learned that Colonel Haskell was not dead, under a flag of truce he returned his watch and his papers, and said that Colonel Haskell was too brave a man to take anything from. At Fredericksburg, on December 13, 1862, and at Chancellorsville, in May, 1863, he received wounds. Returning from the army at the close of the war, Colonel Haskell commenced teaching school at Abbeville, South Carolina. He was admitted to the bar in 1865, and has since filled prominent public offices in the State. He was married in 1861 to Rebecca Singleton, who died in 1862; and in 1872 he was married to Miss Alice V. Alexander, and they have ten children.

Judge Haskell was chairman of the Democratic executive committee in 1876, and was a terror to the Radicals in those dark days. In 1877 he was elected as Associate Justice to the Supreme Court, but resigned in 1879, and was succeeded by Judge McGowan. He is now vice-president of the National Loan and Exchange Bank, of Columbia, South Carolina.

JUDGE SAMUEL McGOWAN.

(From the "News and Courier," August 10, 1897.)
(Abbeville Correspondent.)

Abbeville, August 9.—Judge Samuel McGowan died at his home in this city at half-past eight o'clock this morning, in his seventy-ninth year. The deceased was one of Carolina's noblest, most worthy and distinguished sons,—one whose place in the history of the country and State will be hard to fill.

General McGowan was the hero of two wars, and in each was fearless and courageous, winning laurels on many hard-fought battlefields. As a citizen he was ever loyal to his race and country. He was most highly esteemed and beloved by every one, and if he had an enemy in the world he is not known.

The deceased was a member of the Episcopal Church in this city. Secession Camp of United Confederate Veterans will attend his funeral as a body, thereby paying their last tribute of affection to their distinguished comrade.

In the hour of his delirium, when the once strong mind was wavering in the balance, he was extending orders to his soldiers, as if on the battlefield, and while tasting of his refreshment he said: "Give it to the soldiers, as they need it more than I do."

His funeral services will be conducted tomorrow afternoon at Trinity Church at four o'clock, after which his remains will find a resting place in the beautiful cemetery of Upper Long Cane.

The Story of His Life.

The following sketch is taken, in the main, from Brant & Fuller's "Eminent and Representative Men of the Carolinas":

Of the many prominent representative men of South Carolina, few, if any, have played a more conspicuous part in the late history of the old Palmetto State than Judge Samuel McGowan, of Abbeville, who has distinguished himself alike as a soldier, lawyer, jurist and judge. Samuel McGowan was born of Scotch-Irish parents in Laurens county, October 9, 1819. He was graduated with distinction from the South Carolina College in 1841. He read law in Abbeville with his friend, Colonel T. C. Perrin, who at once took him into partnership and invited him to share

equally his large practice. He soon gave promise of being distinguished in his profession, but in 1846, filled with the fire of patriotism, he entered the famous Palmetto Regiment and started for the Mexican War as a private soldier.

SERVICES IN THE MEXICAN WAR.

He was relieved from that position by President Polk, who appointed him on the general quartermaster's staff of the army, with the rank of captain, in which capacity he served for the whole war, first on the staff of General Quitman, and afterward, successively, on that of General Worth and General Twiggs, of the regular army. He acted as volunteer aide to General Quitman at the storming of Chepultapec and the capture of the Garita de Belen, leading into the City of Mexico, and was complimented for his gallant services on that occasion. After the treaty of Guadaloupe Hidalgo, which terminated the war, he returned and resumed the practice of the law with Mr. Perrin at Abbeville. He married the eldest daughter of Judge D. L. Wardlaw, of that town, acquired a lucrative practice, became major-general of the first division of South Carolina militia, and represented the old district of Abbeville for twelve consecutive years in the lower house of the State Legislature.

UNDER BEAUREGARD AT FORT SUMTER.

On the secession of South Carolina, in 1860, ten volunteer regiments of infatnry were raised by the public authorities for State defense and divided into four brigades. Captain McGowan was appointed by Governor Pickens to the command of one of these brigades, and in that capacity he assisted General Beauregard in the capture of Fort Sumter in April, 1861. Soon after this, his State commission lapsing by transfer of his command to the Confederate service, he joined Brigadier-General Bonham at Antreville, Virginia, as aide-de-camp, and served with him in the battles of Bull Run and Manassas. Immediately after these battles he returned to South Carolina, where he was elected lieutenant-colonel of the Fourteenth South Carolina Volunteers.

In the spring of 1862, on the coast of South Carolina, Colonel James Jones, the commander of the Fourteenth Regiment,

resigned his commission, and Lieutenant-Colonel McGowan was promoted to the colonelcy.

ON TO RICHMOND.

Soon afterwards he carried his regiment to Virginia, and thenceforth it became an integral part of the famous Army of Northern Virginia.

Colonel McGowan was in all the battles around Richmond in which his regiment was engaged. He was wounded at Cold Harbor, but did not leave his regiment until after the subsequent battle of Malvern Hill.

He was recommended for promotion by General Gregg for his gallantry in these battles. In his official report of the battle of Cold Harbor, General Gregg says: "The Fourteenth Regiment, Colonel McGowan, now arrived on the field at the moment it was so greatly needed, stopping the fire of Crenshaw's Battery for a short time. To allow a passage through the guns, I ordered the Fourteenth forward. Tired as they were by two days and three nights of outpost duty, and by a rapid march under a burning sun, they recovered strength at once and advanced with a cheer at the double-quick. Leading his regiment to the right of the Thirteenth, across the hollow, Colonel McGowan arrived just in time to repulse the advancing enemy and prevent them from establishing a battery on the edge of the open ground on the brow of the hill. The Fourteenth maintained its position gallantly to the end of the battle," etc.

GENERAL HILL'S TRIBUTE.

General Hill says of the same battle:

"Desperate but unavailing attempts to force the enemy's position were made. The Fourteenth South Carolina, Colonel McGowan (having hurried up from picket duty on the other side of the Chickahominy, and arriving in the thick of the fight), made several daring charges."

At Frazier's Farm, General Hill says:

"The brigade of General Featherstone having become very much scattered and forced back, Colonel McGowan, of the Fourteenth South Carolina, retrieved our ground."

Colonel McGowan was in the campaign of Cedar Run and that

of the second Manassas, in which last battle he was wounded. Returning to his regiment in the autumn, he remained with it during the march from the valley, and was present at the battle of Fredericksburg, where General Gregg, commanding the brigade, was killed.

BRIGADIER-GENERAL, CONFEDERATE STATES ARMY.

Colonel McGowan's regiment being a part of the brigade, he was appointed brigadier-general to succeed General Gregg, and afterward in that capacity he commanded the brigade until the end of the war, being several times wounded and very severely, especially at the battle of Chancellorsville and the bloody angle at Spottsylvania Court-house.

The promotion of Colonel McGowan was very complimentary to him, as it was made without any special application, and there were other gallant officers in the brigade who ranked him.

After Appomattox, General McGowan returned home and again resumed the practice of law at Abbeville, with Mr. William H. Parker, and this partnership continued from 1869 to 1879.

ELECTED BUT NEVER WENT TO CONGRESS.

General McGowan was a member of the reconstruction convention, which met in Columbia in September, 1865, and was then nominated for Congress. He was elected, but not allowed to take his seat. He was again nominated at the next election, but was counted out.

He was an elector-at-large on the Tilden and Hendricks ticket, and in the interest of those gentlemen and the Democratic party he canvassed the whole State. In 1878 he again went to the State Legislature, and during the session of 1879 was elected Associate Justice of the Supreme Court. He held this office until July, 1894, when he was succeeded by Judge E. B. Gary.

From this meagre outline it is manifest that Judge McGowan won his distinction by faithful service during the most eventful period in the history of the country, and that he is fairly entitled to be considered as a representative man of South Carolina.

HIS QUALITIES AS A SOLDIER.

As a military man General McGowan was very successful. Although not as rigid and severe as some others in his discipline

and management of citizen-soldiers fresh from home, he excelled most officers of equal rank in efficiency. He was an excellent drill master, a constant maintainer of good order and regularity, and his great merit always succeeded in inspiring confidence in himself and imparting to others the magnetism of his enthusiasm. He only ordered his command to follow where he led.

AS A LAWYER.

Of General McGowan's character as a lawyer and a public man it is hardly necessary to say more than has been said, that he practiced his profession with great success and profit for years before the war, and that he acquired and retained the entire confidence of his constituency.

If in either of these pursuits there were characteristics in him more marked than all others, they were a quickness of apprehension, and promptness and energy of action. As a lawyer he manifested great acuteness in perceiving the prominent points of a case, and ingenuity in putting them together. This faculty, assisted by an earnest, clear and powerful delivery, rendered him peculiarly influential with the jury. Similar traits characterized him as a public man. Scorning demagogy in all its forms, he was always plain, earnest and whole-souled in politics, a ready speaker, an affable gentleman, and, therefore, at all times one of the most popular of men.

ON THE SUPREME BENCH.

But it was as a magistrate of the Supreme Court, holding the scales of justice with a firm hand, that Judge McGowan was most distinguished. His high sense of justice, as well as his robust intellect and good heart, eminently qualified him for the discharge of the delicate and responsible duties of judge.

It has been well said "That the office of judge has always been regarded with respect and consideration. Great and good men have at all times in South Carolina performed its duties and won its honors. If duty be attended by responsibility, if dignity be attached to station and power, the judicial authority to coerce and restrain, to counsel and command the legislative and executive departments of the Government, to interpret the legislative will

and its great function to dispense justice, constitute it an office of the highest dignity and the greatest responsibility."

Without attempting to single out or specify any particular opinions of Judge McGowan, it may be enough to say that they are all embraced in the twenty volumes of South Carolina Reports (Shand), from numbers 13 to 33. These permanent memorials, which will go down to posterity, afforded the best measure of Judge McGowan's industry and learning, and of the strength of his intellect, as well as of his high sense of justice. But it may be said with perfect truth that, taken as a whole, they will be found to be equal to those of any one of the long list of distinguished judges and chancellors who adorned the judicial annals of South Carolina.

Upon his retirement from the bench, Judge McGowan returned to his old home in Abbeville, and passed his last days in the society and companionship of the people who knew and loved him and ever delighted to do him honor. He left three children: Mrs. W. C. Benet, Mr. W. C. McGowan, and Miss Lucia McGowan.

ASSOCIATE JUSTICE EUGENE B. GARY.

It is impossible, in writing a mere sketch, to narrate even the important events in the life of one who has played so important a part on the stage of action as Associate Justice Eugene Blackburn Gary, and we shall only attempt to give an outline of his career.

On the 22d of August, 1854, he was born at Cokesbury, South Carolina, and after attending the schools at that place until 1872, entered the South Carolina University, and that year received his diploma in the classical branches.

At the age of eighteen he commenced the study of law under his uncle, General M. W. Gary, of Edgefield, South Carolina, and was admitted to practice a few weeks after attaining his majority. He taught school one year at Hodges, South Carolina, after graduating at the South Carolina University.

Shortly after being admitted to the bar, Mr. Gary located at Abbeville, South Carolina, where he continuously practiced his profession till 1894. As a lawyer he ranked among the most prominent in his profession in South Carolina, and was engaged in a great many important cases, in some of which the most important principles of law have been settled by the Supreme Court of the State. In 1881, when General Carlos J. Stolbrand contested the election of Honorable D. Wyatt Aiken to Congress, Mr. Gary represented Honorable D. Wyatt Aiken, in whose favor Congress declared the election.

In Masonry the subject of this sketch was a bright and conspicuous figure, and the archives of the Grand Lodge contain many testimonials of his handiwork.

In 1882, 1888, 1890, and 1892, he was elected county chairman of the Democratic party in Abbeville county, his election being unanimous three times.

In 1882 and 1888 he was elected a member of the State Democratic executive committee. One of the manifestations of confidence which he most highly appreciated was when the rules of the county convention were suspended, and he was not only elected a delegate to the State Democratic convention, but chairman of the delegation, after he had declined a nomination and

after the ballots had been cast but not counted. Mr. Gary served one term in the Legislature and there gained such a reputation that in the next campaign he was elected Lieutenant-Governor, to which office he was elected a second time.

It was while serving his second term as Lieutenant-Governor that he was elected Associate Justice of the Supreme Court, in which high office he is now serving with dignity, ability, and to the satisfaction of the bar. The journals of the Senate contain resolutions unanimously adopted by the Senate attesting the high esteem in which Lieutenant-Governor Gary was regarded by that body on account of his prompt, able and impartial rulings as its presiding officer each time when he retired from that office.

On the 11th day of January, 1900, Mr. Justice Eugene B. Gary was reëlected to the high position of Associate Justice, without opposition, for eight years, and is now the senior Associate Justice of the Supreme Court.

Mr. Justice Gary married Miss Eliza Tusten, a direct descendant from Honorable Benjamin Tusten, a member of the first Colonial Congress of New York, and whose son, Benjamin Tusten, was a colonel during the Revolutionary War. Colonel Benjamin Tusten was killed while at the head of his regiment fighting for American independence, and his brave deeds are commemorated by a magnificent monument, erected by the public, at Goshen, New York.

The mother of Mr. Justice Gary, who is now living, was Miss Mary Caroline Blackburn, a lineal descendant from William Blackburn, an officer who was killed at King's Mountain during the Revolution, while bravely fighting for American independence.

His father was Dr. F. F. Gary, who was an eminent physician and held many positions of power and trust during his lifetime. On his father's side, Mr. Justice Gary is a lineal descendant from John Witherspoon, mentioned in several of our historical sketches, who was born near Glasgow, Scotland, in 1670, and on account of the persecutions suffered there, during the time of the Stuarts, moved to Ireland, and from there to Williamsburg county in 1734. John Witherspoon was the grandson of Mrs. Lucy Welch, the granddaughter of John Knox, the great reformer, whose wife was Lady Margaret Stewart. She was a lineal descendant

of Robert, Duke of Albany, second son of Robert II, King of Scotland.

Honorable Ernest Gary, Judge of the Fifth Circuit, and Honorable Frank B. Gary, ex-Speaker of the House of Representatives, are his only brothers, and Mrs. James M. Eason, of Charleston, is their only sister.

Mr. Justice Eugene B. Gary is an apt student, a hard and conscientious worker; and, as a thinker, possesses that most rare quality—mental honesty. He does his duty as he sees it, without regard to consequences. He is a loving friend, faithful and just. As a member of the Supreme Court, Justice Gary has greatly endeared himself to his associates on the bench. In his judicial character his views of the law are dominated by the distinguishing qualities of his mind, native strong common sense, and good practical judgment.

The late Chief Justice McIver used to say that Mr. Justice Gary was the hardest working man he ever saw. He has written about nine hundred and fifty opinions. The bar of the State is particularly impressed with Mr. Justice Eugene B. Gary's opinions, the clear and succinct manner in which his views are stated, and the pure, simple English he uses.

The high esteem in which the decisions of our Supreme Court are held, even outside the State, is due in great measure to the analytical and judicial cast of mind of the subject of this sketch, who is now in the zenith of manhood, and there is every assurance that he will add to his already great reputation as a profound judge.

On the 22d of January, 1908, he was unanimously reëlected for the full term of eight years.

ASSOCIATE JUSTICE IRA B. JONES.

Mr. Associate Justice Ira B. Jones is fifty-six years old, and the high position he has attained has been earned by his own individual worth, integrity, and high, conscientious character. He was born December 29, 1851, in Newberry. As stated by Mr. Thurmond, in nominating him to the Supreme Court, his inheritance was a good name and an honest character. With this solid foundation to build upon, Mr. Justice Jones at an early age developed a character that has not only brought him political honor, but which has stamped him as a man head and shoulders with his fellow-citizens. His rise to high and merited honor is but another illustration of the adage, "every man is the architect of his own fortune." The early years of his life were spent in Newberry, where he entered the Lutheran College there and went through the sophomore class.

In 1868 he entered the junior class of Erskine College and graduated in the class of 1870. Among the distinguished men in church and state who were members of this class was James Calvin Hemphill, editor of the "News and Courier." At Erskine College, Mr. Jones was a member of the Euphemian Literary Society, in which he distinguished himself as an orator and debater. He was medal orator of his society at his graduation.

After graduation he returned to Newberry and taught school two years in the county and Edgefield, studying law in the meantime. While in Newberry he was associate editor of the "Herald," of that town. He was admitted to the bar when twenty-one years old, and since that time has followed his profession with zeal and success, as is evidenced by his elevation to one of the highest and most responsible positions in the gift of the people.

In the fall of 1875, Mr. Justice Jones removed to Lancaster, and has since resided in that town. It was then a town without a railroad or telegraph facilities, but there were great possibilities open to an active, energetic young man. The town and county were undeveloped, but a railroad was heading towards Lancaster from Chester. Mr. Justice Jones, then a lawyer just beginning professional life, induced by his cousin, Captain W. L. DePass,

late of Camden, cast his lot in Lancaster. When he got there he had ten dollars in his pocket and no friends and acquaintances. He had energy and pluck, however, which often count for more than dollars, and always bring them in.

As a lawyer he has been at the head of the profession in the State. In recent years his services were largely in demand by the State. In the celebrated cases in reference to the railroad taxes, which Governor Tillman pushed so vigorously, Judge Jones was chief counsel of the Attorney-General. From the inception of the railroad tax cases his advice was always most valuable, and it is generally conceded that the victory of the State in these cases was largely due to his services as assistant counsel.

In 1890 he was sent to the Legislature as a member of the House of Representatives from Lancaster. He immediately took a prominent part in the deliberations of that body, and was appointed as chairman of the ways and means committee, and by common consent was the acknowledged leader of the House. On the election of Speaker Irby to the United States Senate, he was chosen Speaker of the House, which position he filled until January 30, 1896, when he was unanimously elected Associate Justice of the Supreme Court of South Carolina. And on the 22d day of January, 1902, he was again unanimously elected for the full term of eight years to this responsible position.

By his uniform courtesy, kindness and fairness as Speaker he received the approbation of all factions and parties. No Speaker had been more popular or won more praise from members of all political faiths for his manner of conducting and expediting the business of the body over which he presided. He was elected a member of the constitutional convention, in which he took a prominent part, and was chosen vice-president. Besides these honors, Mr. Justice Jones was for years county chairman of the Democratic party, chairman of the congressional district, and a member of the State executive committee.

While thus full of political honors from his fellow-citizens, Mr. Justice Jones has not been noted only in a political way. In educational matters he has always been foremost. He was largely instrumental in securing the establishment of the Lancaster graded school, which has assumed a high position among such schools in the State.

At the opening of Winthrop College he took a prominent part in the laying of the cornerstone exercises, delivering the dedicatory address. In charitable works he lets not his left hand know what his right hand doeth. His good deeds have made many a poor man, woman and child happy, of which the world has never known.

Mr. Justice Jones married Miss Rebecca Wyse, daughter of the late Captain Joseph Wyse, of Edgefield (now Saluda). He has living two sons and three daughters. He is a consistent member of the Associate Reformed Presbyterian Church, being an elder of the church at Lancaster.

As a judge, Mr. Justice Jones is one of the ablest. His opinions are clear and to the point. His mind is marked by great fairness, vigor and acuteness. He has made a great reputation as a judge. Honesty, sincerity and truth are the very essence of his nature. His grasp is such that no complication of details embarrasses him. Quick of comprehension, almost unerring in judgment, with admirable power of demonstration, he sees lucidly and makes himself understood in every opinion he writes. The late Chief Justice McIver often spoke of him as "the coming man."

ASSOCIATE JUSTICE CHARLES ALBERT WOODS.

Associate Justice Charles Albert Woods was born at Springville, in Darlington county, on the 31st day of July, 1852. His father was Samuel Alexander Woods; his mother, Martha Jane Woods, née DuBose. The former was of English extraction, the latter French Huguenot. His childhood was spent in Darlington. In the fall of 1868 he entered Wofford College, from which institution he was graduated in 1872. While in college he was a diligent student, and at graduation stood about midway the class. Having decided upon the law as his profession, he began to prepare himself for it in January, 1873, while teaching school at Wesley Chapel school-house, sixteen miles from Darlington. At the close of his school in June, 1873, he went into the law office of Warley & Dargan, at Darlington, and in the following September was admitted to the bar at Chesterfield Court-house, Honorable C. P. Townsend presiding. In December, 1873, he went to Marion to practice law, but failed to accomplish that purpose for a year or two, owing to a lack of clients. These years of waiting, however, were not years of idleness, for every day found him in his office, and in the absence of business he devoted himself by faithful study to the mastery of his profession. About March, 1875, he formed a partnership with Captain McIver, afterwards Chief Justice McIver, who resided at Cheraw, to practice at Marion. This partnership proved very advantageous, and he says himself that in its conduct he was placed under great obligation in many ways to that great and noble man. From the time of Captain McIver's election to the bench, in 1877, to February, 1903, Justice Woods practiced law at Marion, experiencing many of the usual ups and downs of a country lawyer, but at the same time attaining to a marked degree of success. His practice was very large and extensive, and for many years before his election to the bench he was universally regarded as one of the ablest lawyers of the State. Though pressed by the exacting duties of an active career at the bar, he managed to find time for cultivating the humanities, thus broadening his intellectual horizon and widening his field of usefulness. He has always taken great interest in educational affairs, and for a

number of years served as a trustee of Winthrop College, and is now a trustee of Wofford College. So well known was his culture that in 1902 he was unanimously chosen president of the South Carolina College, an honor which he with his characteristic modesty declined, pleading as an excuse that his training had not been such as to qualify him for such a responsible position.

On the 16th day of December, 1884, he was happily married to Miss Salley J. Wannamaker, of Orangeburg county.

On the 28th of January, 1903, Justice Woods was elected to fill out the unexpired term of Associate Justice Pope, who was elected Chief Justice. He was reëlected on the 21st day of January, 1904, for the full term of eight years, dating from August 1, 1904.

Justice Woods combines many attributes of the great judge. His knowledge of legal principles is both accurate and profound, his sense of justice acute and refined, and his administration of the law fearless and impartial. Every case that comes before him is examined with most painstaking care, so conscientious is he, and such his conception of the responsibility of his high office; but when his mind is once made up he marches straight to the goal, seeking to establish his conclusions both by reason and authority. In preparing his opinions he takes nothing for granted, but leaves no stone unturned in his endeavor to support reason by authority and precedent. Three cardinal principles of composition—clearness, force, and brevity—he ever keeps in mind. A clear, concise statement of the facts and issues, a powerful, convincing argument full enough to make each point perfectly plain yet without unnecessary prolixity, characterize a strong judicial opinion, and to such a high standard those of Justice Woods will be found admirably to conform. He has the happy faculty of expressing himself well in pure, idiomatic English, his style being lucid and perspicuous, though plain and without ornament of any kind.

Personally, Justice Woods is one of the most lovable of men. It has been said that "honors change manners," but not so in his case. He is the same today that he was when admitted to the bar thirty-odd years ago—kind and courteous to every one, yet dignified and unassuming.

Chief Justice McIver, who was a keen observer of men, said that he regarded Justice Woods as a man of great ability, and one who would fill a high place in his profession. This prophecy made years ago has already come true; but his greatest work is yet to be done. Measuring his future career on the bench by the eminent success already attained, we confidently predict that he will leave a name highly honored among the great judges of South Carolina, and bequeath as a legacy to his countrymen the memory of a patriotic citizen and upright man.

No. 7—Judge Orr
No. 8—Judge A. P. Aldrich
No. 9—Chancellor W. D. Johnson
No. 10—Chancellor F. H. Wardlaw
No. 11—Chancellor Inglis
No. 12—Chancellor Job Johnstone

CHANCELLOR JOB JOHNSTONE.

By LeRoy F. Youmans.

At a meeting of the bar of the city of Columbia, held to pay a tribute of respect to the memory of Chancellor James Parsons Carroll, who died August 24, 1883, I had occasion to say:

South Carolina has always prided herself on the chancery decisions of her judiciary, and the bench and bar of England and America have endorsed the eulogistic words with which Simonton and Conner close the preface to their admirable digest of her equity reports:

"Our State has always been fortunate in possessing talents of the highest order on her equity bench, and it is with pride and pleasure that we have risen from the study of these reports, exhibiting, as they do, a code which can compare favorably with any which has been raised by the side of the excellency and wisdom of the common law."

Fortunate as the State has always been in the selection of her chancellors, there perhaps never was a time in her history when there was a greater demand upon the Legislature for wisdom in making such selection than in December, 1859. No change having taken place for nine years in the constitution or personnel of her courts of equity, the decrees of her chancellors had given permanence, stability and symmetry to the jurisdiction; but the death of Chancellor Dargan created a vacancy among the illustrious four who had presided in her equity courts during this golden age of her jurisprudence, which it was incumbent on the Legislature of 1859 to fill by the election of a chancellor fit to sit in the seat of this great light by the side of his three great survivors, Job Johnstone, Benjamin F. Dunkin, and Francis H. Wardlaw.

To one at all conversant with the history of the jurisprudence and judiciary of South Carolina it is plain that those who wished to preserve the prestige of her chancery system had a selection and election to make, second in importance to none which had ever devolved upon the collected wisdom of the General Assembly of the State.

What nobler monument can be erected to the professional and judicial excellence of any of the South Carolina Princes of the Gown than this naked fact of her judicial history, that among all the names presented, Carroll's should have been selected as the fit successor of Dargan, and the fit associate of Johnstone, Dunkin, and Wardlaw?

Of all the courts I have ever practiced before, the Circuit Court of Equity, during the incumbency of Chancellors Job Johnstone, Benjamin F. Dunkin, George W. Dargan and Francis H. Wardlaw, and the Court of Appeals in Equity, consisting of the same four, whose president was Chancellor Job Johnstone, has, in my judgment, no superior in the past or the subsequent history of the administration of equity in South Carolina, and is richly entitled to rank by the side of the Court of King's Bench in England, in that happy time for bar and suitors when Abbott presided in that court, whose other members were Littledale, Bayley and Holroyd, and to all the praises sung of that court by one of its most distinguished practitioners, afterwards Chief Justice and Lord Chancellor, Lord Campbell, the biographer of the Chief Justices and the Lord Chancellors.

"The King's Bench," says Lord Campbell, "became the *beau ideal* of a court of justice. Every point made by counsel was understood in a moment; the application of every authority was discovered at a glance; the counsel saw when he might sit down, his case being safe, and when he might sit down, all chance of success for his client being at an end. I have practiced at the bar," says Campbell, "when no case was secure, no case was desperate, and when, good points being overruled, it was necessary for the sake of justice that bad points should be taken; but during that golden age law and reason prevailed; the result was confidently anticipated by the knowing, and the judgment was approved by all who heard it pronounced, including the vanquished party. Before such a tribunal the advocate becomes dearer to himself by preserving his own esteem, and feels himself to be a minister of justice instead of a declaimer, a trickster, or a bully. I do not believe that so much important business was ever done so rapidly and so well before any other court that ever sat in any age or country."

It does not come within my province to speak of the intellectual and moral preëminence of the three others of this great

quartette; of the massive intellect and profound knowledge of the law which characterized Dunkin; of the exquisite literary taste and classic preciseness of expression which vied with the legal ability and knowledge of which Wardlaw was so redolent; or of the ponderous mass of learning which, united to strong common sense, gave dignity and weight to the stately decisions of Dargan. I propose to speak only of the illustrious presiding officer of the Court composed of these four Princes of the Gown.

Job Johnstone's parentage, both paternal and maternal, was Scotch-Irish. He came from that rigid Presbyterian stock which sided with the Prince of Orange in his contest with James II, and his family still have the sword worn by Thomas Boyd, the maternal grandfather of David Johnstone, the grandfather of Chancellor Johnstone, at the siege of Londonderry. His mother, the wife of John Johnstone, was Mary Caldwell, of the county of Londonderry, Ireland, who came originally from Scotland. She was the daughter of Dr. Job Caldwell, a very distinguished surgeon in his day, for whom the Chancellor was named.

Job Johnstone, the Chancellor, was born in Fairfield district, on the 7th day of June, 1793. He attended schools at Chester, Winnsboro and Newberry. At the end of the year 1808 he entered the South Carolina College, and in a class composed of such brilliant men as Warren R. Davis and his worthy compeers, though the youngest man in the class, he soon rose to equality with the best, and was graduated with the third honor in the class of December, 1810, he being at that time, with two exceptions, the youngest boy who had ever taken a diploma at the South Carolina College. He read law at first with John Hooker, of York, and afterwards in the office of Clark, of Winnsboro. Subsequently, at the close of the year 1814, he entered the office of Doctor Davis, an eminent physician of Columbia, and in October, 1815, went to New York and took a course of lectures in the College of Physicians and Surgeons of that city, and for some time afterwards pursued his medical and surgical studies and practice with enthusiasm and success. But his tastes, like those of Associate Justice Miller, of the Supreme Court of the United States, were too strong for the law for him to remain in the ranks of the medical fraternity. He renewed the study of law in the office of John Belton O'Neall, at Newberry; was admitted to practice in the winter of 1818, and at once entered

into partnership with O'Neall, with whom he had last studied, and who afterwards became the great Chief Justice of South Carolina. The traditions still linger of the mass of business transacted by this firm, and of the eminent skill and ability which characterized both partners. They were the great twin lights of Newberry, and their portraits still look down, with gravity and authority impressed upon their faces, upon the sessions of the present Supreme Court of South Carolina, their successors in the highest judicial station. After a time an alienation arose between the distinguished pair, induced in great degree, tradition says, by the absolute irreconcilability of their political views. O'Neall was an intense Union man, and guided largely in the deliberations and conventions of the Union party in antagonism to the Nullification party; but Johnstone early imbibed the doctrine of the absolute and individual sovereignty of each State. He regarded the Federal Government as the creature of the States, with certain delegated powers clearly limited and defined in the constitution, which he held, with great tenacity, must itself be strictly and literally construed. In his view, the sovereignty of the State carried with it the right of the State to judge for itself of every encroachment of the Federal Government, of every infraction of the constitution, and "to determine the mode and measure of redress." From these doctrines he never resiled, and stood by them with unwavering conviction and unflinching fidelity to the last moment of his life. The same was true of his religious opinions. He belonged to the school of Calvin, was a consistent Presbyterian through life, and was at the time of his death in Newberry, April 8, 1862, and had been for many years before, a member and ruling elder in the Aveleigh Presbyterian Church, of Newberry. In 1826 he was elected clerk of the Senate of South Carolina, in which position he continued until November 3, 1830. He there became expertly familiar with the course, processes, forms and details of legislation, and this familiarity was afterwards of great service to him in discharging his judicial duties. On November 3, 1830, he was elected chancellor in place of Chancellor Harper, who had been transferred to the Court of Appeals. He presided only in the Circuit Court of Equity until all the judges and chancellors were constituted an Appellate Court, both in law and equity, in 1835. This system, however, lasted but one year, and in 1836 the chancellors, increased to four,

were required, in addition to their circuit duties, to perform appellate duty—except in specified cases—only in equity.

David Johnson having resigned his place as chancellor in December, 1846, and Harper having died in October, 1847, Job Johnstone was thereafter the president of the Equity Court of Appeals, until the Act of 1859, which made a change by the creation of the special Court of Appeals, of which he was elected Associate Justice. It would seem almost invidious to select special decisions of Chancellor Johnstone for special laudation, their excellence being so uniform. But the annalists of Newberry point with pardonable pride to two special cases as displaying largely and liberally his legal knowledge and powers of argumentation. One of these cases is Picket *vs.* Picket, 2 Hill's Chancery, 471. This case was brought before the whole of the judges and chancellors by appeal from his circuit decree. By the structure of the Court at that time he was not permitted to sit upon the appeal. On a conference the majority of the Court were for reversing the decree. At the request of the minority, Chancellor Johnstone wrote a dissenting opinion for them. After the majority delivered their opinion by Chancellor Harper, the dissenting opinion was read, and its effect was to change the judgment of the Court. It was adopted by the major part of the judges and became the law of the case, and what had been intended as the leading opinion became the dissenting opinion. The other case to which they especially refer is Field *vs.* Pelot, McMullan's Equity, 369. That was an appeal from Chancellor Harper. Upon conference after argument, Chancellor Johnstone brought the Court, and among them Chancellor Harper, to agree to a reversal of the decree, and the case was put into Johnstone's hands to deliver the opinion of the Court. In preparing to deliver it he became convinced that his positions were untenable, and he brought the matter to the view of his brethren. But he could not bring them over. Chancellor Harper was chosen to deliver the opinion which his brother Johnstone was to have delivered. Johnstone dissented, and his dissenting opinion has been since adopted as the law of the subject. This remarkable specimen of judicial candor in both these great judges, so highly creditable to them, is not of usual occurrence in biographies and anecdotes of the bench. But, in addition to these cases, the attention of a jurisprudent might be well called particularly to

the cases of Maxwell *vs.* Conner, 1 Hill's Chancery, 15; Morton and Courtenay *vs.* Caldwell, 3 Strobhart's Equity, 161; and to Seabrook *vs.* Seabrook, 10 Richardson's Equity, 495. The last case is especially interesting, not only on account of the interesting principles so ably discussed, and its overruling the previous decision of Seabrook *vs.* Seabrook, McMullan's Eq., 201, but by the spice and flavor especially imparted to it by Chancellor Dunkin's very eloquent and exceedingly vigorous dissent.

His opinion in State *vs.* Smith, 12 Rich., 430, shows that his long absence from the practice of the criminal courts had in no wise impaired either his knowledge of the great, broad principles of criminal law or his power of close reasoning from them.

If one were called upon to put his finger on the striking qualities which gave Chancellor Johnstone his great and unquestioned preëminence, it would, in my judgment, be most proper to call attention to his unrivalled power of analysis, of separating and dissecting complicated masses of fact and conflicting views of law, the vigor which characterized his almost always successful search for the great central principle, the *crux* of the case, the rigid and unbending logic which characterized his reasoning, and the intense desire which he showed while deciding questions of law in accordance with well-settled principles, to make their practical application, in the concrete, harmonize with the great principles of justice and the great interests of society. "*Scripta manent, verba volant.*" His arguments at the bar, which used to carry conviction to judges and to win verdicts from juries, and his contributions in debate in the nullification convention, have long since ceased to be talked of, for none now survive who heard them; but his recorded decisions in the Equity Reports of South Carolina will live as long as the history of South Carolina in the nineteenth century shall live, and are a priceless and indestructible monument to his legal knowledge, judicial acumen, faultless logic, and all-pervading sense of honor and justice. Though a member of the nullification convention, when South Carolina braved the furious anger of Andrew Jackson, and clinging, as we have said before, with fidelity to his political principles to the last, he was averse to the separate secession of South Carolina in 1860, when almost all of his political faith were most enthusiastic and clamorous in its support. He and James H. Hammond were the two most conspicuous among that small band of

old nullifiers who thought it politically inexpedient at that time to incur the unknown costs and hazards of setting up a separate government, and that the separate secession of South Carolina was in the light of all human history for a peaceful, prosperous and powerful people to challenge fate a day too soon.

It is said by those curious about such matters who have been so solicitous as to read Chancellor Johnstone's judicial opinions, with the view of ascertaining how they have been received by the courts of the State, that every circuit opinion in which he was overruled by the Appellate Court, and every appeal opinion in which he dissented from the majority of the chancellors, have subsequently been confirmed and made established law in South Carolina. Such an unprecedented condition could not rise from chance, or from any other cause, except his being so great a jurisprudent and chancellor as to give him this high judicial vantage ground over all his illustrious compeers.

In truth he united all the qualities of a great judge; an intellect comprehensive, quick and acute; learning immense, memory most capacious and retentive; diligence, integrity, patience, suavity; and is entitled to rank not only with the great South Carolina chancellors, Harper and Wardlaw, but, in so far as a comparatively limited area and restricted theater permit, is entitled to rank with Eldon, Marshall, Sugden, the great modern masters of the law.

Chancellor Johnstone used to read and re-read constantly Johnson's Chancery Reports, principally for the decisions of Chancellor Kent. Besides the law and medicine, his reading embraced the Latin and Greek classics, theology, history, poetry, and the best English light literature from Fielding and Smollet down to Dickens and Thackeray. He was an especial admirer of Scott, Dickens and Bulwer.

It is *vexata quaestio* whether Chancellor Harper or Chancellor Johnstone drew the ordinance of nullification. Being both members of the select committee of twenty-one, whose chairman, Judge Charles Jones Colcock, reported the ordinance, and not only brother chancellors but great friends whose views on this subject agreed, it is probable that this celebrated paper was their joint production.

Chancellor Johnstone was an extensive planter—at one time of his life (before his public duties and the studies incident

engrossed his time) giving his attention actively to his planting interest. He was a well-informed horticulturist and an experienced pomologist.

He was twice married. His first wife, to whom he was married November 14, 1816, was Miss Eliza Meek Johnstone, of Fairfield, his cousin. She died January 23, 1843. His second wife, who survived him and died December 3, 1870, was Miss Amelia A. DeWalt, of Newberry, to whom he was married August 7, 1844. His children by the first marriage were Paul Johnstone, who was not only a bright and accomplished lawyer, but of rare facility and power in the use of the pencil; Silas Johnstone, long a lawyer of note at Newberry, a most accomplished commissioner and master in equity, and the author of a valuable law book, Johnstone's Digest of Equity Decisions in South Carolina, covering the cases since those digested by Simonton and Conner; Mrs. Catherine Harison Boyce, and Mrs. Mary C. Randell.

By his second marriage he was the father of John Malcolm Johnstone, Consul at Pernambuco during the second term of President Cleveland; Allan Johnstone, and George Johnstone, long a distinguished member of the House of Representatives of the South Carolina Legislature, and afterwards a distinguished Representative from the Third Congressional District of South Carolina—he is now and has long been an eminent member of the bar of Newberry; and Mrs. John Newton (Adeline R.) Fowles, Miss Frances A. Johnstone, and Mrs. Thomas J. (Clara M.) McCreary.

Columbia, December 21, 1859.

Dear Sir: In deference to the opinions and wishes of friends, I have overcome my own scruples, and accept the office of Associate Justice in the separate Court of Appeals, to which I was yesterday elected.

I beg leave, however, to place on record, for my own justification in case of future miscarriage, an expression of self-distrust in my ability to meet the responsibilities of my new position, as well as some remaining doubt—in which I hope I am mistaken—whether there may not prove to be vital infirmities in the new system now to be inaugurated. I beg to be not misunderstood as designing to criticise the judgment or the work of the Legislature; my only object being to rescue myself from future censure.

Allow me, sir, through you to make to the General Assembly my unfeigned acknowledgment for their constant kindness to me, and their indulgent consideration of my feeble efforts in the public service heretofore; as well as my sincere thanks for the very complimentary vote by which I have been called to my new appointment.

I am, with high consideration, sir, yours, etc.,

J. JOHNSTONE.

Hon. James Simons, Speaker,
Columbia, S. C.

CHANCELLOR FRANCIS HUGH WARDLAW.

Chancellor Francis Hugh Wardlaw, son of James and Hannah Clark Wardlaw, was born at Upper Long Cane, Abbeville county, South Carolina, December 16, 1800.

His great-grandfather, Captain Hugh Wardlaw, was killed by the famous Tory leader, Cunningham, during the Revolutionary period. The family came to America from Europe in 16— and settled first in Pennsylvania, moving thence to Virginia and Carolina.

Walter Wardlaw was made Cardinal in 1381. Henry Wardlaw, nephew of the Cardinal, was made Bishop of St. Andrew's by Benedict XIII in 1404, etc., down to coming to this country.

He went to a school in Abbeville taught by Francis Walker, William Sadler and others, until twelve years of age; entered the academy taught by Dr. Waddell, learning Latin and Greek languages, until fourteen, when on account of sickness he left school. He was subsequently taught algebra, trigonometry and surveying by Captain William Robertson; entered South Carolina College, April 13, 1816, and graduated December, 1818, with first honor of his class. After leaving college he read law in the office of A. Bowie, Esq., at Abbeville, S. C.; was admitted to the bar at Charleston and Columbia, January and May, 1822; settled at Edgefield, February, 1822. He formed a law partnership with Honorable Whitfield Brooks, and practiced with him until the latter part of 1825; also with William Garrett two years; with his brother, D. L. Wardlaw, from 1831 until 1841; with W. C. Moragne till 1846. He was also editor of a paper at Edgefield from 1829 to 1832; elected to State convention, November, 1832, and Legislature, 1834 and 1838; was partner at law with H. R. Spann in 1850, at time elected chancellor, December 3d of that year; nine years later, December 21, 1859, elected Judge of the Court of Appeals; delegate from Edgefield to convention of 1852 and secession convention in 1860. He was the author of the ordinance of secession, being one of only four or five persons who were members of the three mentioned conventions.

He died in Columbia, South Carolina, at the home of Major Theo. Stark, May 29, 1861, while presiding as Judge of the Court

of Appeals, and was buried in the Baptist cemetery at Edgefield.

He married in the lower part of Edgefield, Wednesday evening, April 22, 1835, Miss Anne Gresham, daughter of Thomas G. and Martha Cary Lamar, by Rev. Henry Reid, of Augusta, Georgia. His family consisted of seven children, four of whom survived him. His eldest son, Lieutenant Thomas Lamar, was killed July 17, 1862, in Fort Moultrie; his younger son, Francis Hugh, a lawyer, died in Edgefield in 1887; and his daughter, Mattie, first wife of Dr. J. Walter Hill, of Edgefield, died March 31, 1893. His only surviving child, Captain James Lewis Wardlaw, who served four years in the Regulars of the Confederate army, is now a resident of Columbia, South Carolina.

Chancellor Wardlaw was a devoted husband and father, being especially fond of children. He was of a merry, cheerful and affectionate temperament, and never seemed happier than while children were clambering around and upon him listening to his anecdotes and stories.

Columbia, December 21, 1859.

Dear Sir: I accept the office of Associate Judge of the Court of Appeals, to which I have been elected, and beg to return my grateful acknowledgment of the honor conferred on me.

Very respectfully, your obedient servant,

F. H. WARDLAW.

Hon. James Simons, Speaker of H. R.

JAMES PARSONS CARROLL.

James Parsons Carroll was born in the city of Charleston on the 10th of April, 1809, at the family residence on Calhoun street (then called Boundary street). In 1818, when nine years of age, he moved to the village of Edgefield and lived with his sister, Mrs. Whitfield Brooks. Here he attended the academy taught by Mr. McClintock. He entered the South Carolina College in the year 1826, and was placed in the junior class—then only sixteen years of age.

His family was one of the oldest in the State. His great-uncle, James Parsons, of Charleston, South Carolina, himself a prominent barrister, being vice-president of the State in 1777 when he died. His father, James Parsons Carroll, came to South Carolina about the year 1777. He married, in the city of Charleston, Miss Mary Giles, a woman of rare intellect and great strength of character, from whom the chancellor largely inherited his mental endowment. He was a rice planter in St. Paul's parish for twenty years. He died at the age of forty-nine years in 1820.

Honors to the Dead.

(From the Columbia "Register," August 28, 1883.)

The daughters of the late Chancellor J. P. Carroll, under the escort of Doctor Talley, arrived in the city by the down train on the Columbia and Greenville Railroad yesterday evening. The funeral services of the deceased took place at Trinity Church at half-past 6 p. m., the bell of the church being tolled while the mournful cortege moved from the residence to the place of burial. The venerable rector of Trinity Church, Rev. Dr. Shand, who had just arrived in the city accompanied by Rev. Mr. Babbitt, the rector of St. Luke's Church, received the remains at the vestibule, and proceeded to the altar while the choir rendered a requiem hymn. Rev. Mr. Babbitt read the beautiful church service for the dead, the concluding ceremonies, which are usually performed at the grave, being conducted at the casket while in the church, by Rev. Dr. Shand. This was in consequence of the

lateness of the hour, night having thrown her mantle around the sad scenes.

The church was filled with friends of the honored dead and sympathizers with the bereaved family. The senior members of the bar, and a large majority of the junior members, were pall-bearers, together with the mayor, the Governor, and other civil officers.

The casket was laden with floral tributes.

The pall-bearers were: Senior—Governor H. S. Thompson, ex-Governor M. L. Bonham, Mayor John T. Rhett, ex-Attorney-General L. F. Youmans, Colonel William Wallace, Colonel J. D. Pope, Colonel Thomas Taylor, Colonel F. W. McMaster, Doctor A. N. Talley, Captain W. K. Bachman, Captain S. L. Leapheart, Major W. H. Gibbes, and Colonel R. G. Lamar. Junior—Colonel J. Q. Marshall, Captain Wilie Jones, Colonel John R. Abney, Messrs. W. A. Clark, W. H. Lyles, Andrew Crawford, E. R. Arthur, N. K. Perry, D. Gambrill, John H. Pearson, J. W. McMaster, P. T. Youmans, D. Crawford, and J. H. Walker.

IN MEMORY OF CHANCELLOR CARROLL.

MEETING OF THE COLUMBIA BAR—RESOLUTIONS OF RESPECT.

(From the Columbia "Register.")

Pursuant to a call made in Sunday's "Register," the members of the bar of the city of Columbia met in the court-room at 12 m. to pay a suitable tribute of respect to the memory of the late Chancellor Carroll, and on motion of Joseph Daniel Pope, Esq., F. W. Fickling, Esq., senior member of the bar, was called to the chair, and Mr. E. R. Arthur requested to act as secretary.

Mr. Fickling, on taking the chair, said that a revered and beloved member of the bar of Columbia had gone to "that undiscovered country from whose bourne no traveler returns"; it is eminently proper that we, his brothers and associates, should meet here to give expression to our grief and to do honor to his memory.

Mr. Pope offered the following resolution:

Resolved, That a committee of seven members of the bar be appointed by the chair to prepare and report a suitable tribute to the memory of the late Chancellor Carroll.

The resolution being unanimously adopted, the chair appointed the following committee: Messrs. Pope, Bonham, Wallace, McMaster, LeRoy F. Youmans, and Rhett.

The committee retired, and, after half an hour's absence, returned and presented the following preamble and resolutions:

In the providence of God, James Parsons Carroll, the most distinguished member of the Columbia bar, has been removed by death from his place in our midst. At the last sitting of the Court he occupied his accustomed seat, in the full vigor of his intellectual powers, and attracted the admiration of the bench and the bar by the earnest, eloquent and cogent presentation of his causes. Today he sleeps the sleep of death. While as members of the same professional brotherhood we mourn his loss, and join in the general sorrow that a distinguished citizen, a learned lawyer and an upright and incorruptible judge of former years has passed away, yet we cannot but remember with reconciled feelings that he died as he often expressed the wish to die—in the full possession of all his faculties; that although by reason of strength the years of his age were prolonged beyond the three score years and ten allotted to man here on earth, he suffered while in life from no lingering disease, no slow decay of his physical or intellectual powers. As we knew him in the long past, so he appeared when he last presented himself in the forum where he was distinguished as a counselor and where as a chancellor he had presided while the courts of chancery in South Carolina as a separate tribunal yet survived. The lamented deceased, though now withdrawn forever from our sight, will long be missed, and will long be remembered by us all for his example of personal dignity, for his legal learning, his high-bred courtesy, his persuasive eloquence, his unobtrusive charities, his unselfish benevolence, and his incorruptible integrity.

As an humble tribute, therefore, to the memory of the man, the citizen, the distinguished barrister, the aged counselor, the learned and impartial judge, be it unanimously

Resolved, That in the death of the late Chancellor James Parsons Carroll the bar of Columbia has sustained a great loss which cannot be supplied.

Resolved, That we do hereby put on record our appreciation of our deceased brother, not only in his completed work and in his ended life, but in his peaceful death and in the fragrant memory that he has left to us of his virtues and his worth.

Resolved, That the chairman of this meeting of the Columbia bar, as a further mark of respect, be, and he is hereby, instructed to present the preamble and the resolutions now adopted to the presiding judge at the next sitting of the Court of Common Pleas

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for Richland county, with the request that they be entered of record on a separate page in the journals of the Court.

Resolved, That a copy of the proceedings of this meeting be presented by the secretary to Mrs. Carroll, the widow, and to each of the daughters of our deceased friend, as an expression of our respect and sympathy.

These resolutions were seconded by John E. Bacon, Esq., the former law partner and intimate personal friend of the late Chancellor, who gave an interesting sketch of the life and services of his lamented friend. Messrs. Bonham, Wallace, McMaster, Rhett and Youmans also paid brief but eloquent and feeling tributes to the memory of the late Chancellor, and the resolutions, upon being put, were unanimously adopted, and the meeting then adjourned.

REMARKS OF THE HONORABLE JOHN E. BACON.

"Mr. Chairman: Upon such an occasion as the present it is eminently proper that we should withdraw ourselves from the world, its pomps and its vanities—from the engrossing pursuits of life, the strife of the forensic arena, and the noise of the contentious forum; that, for a time at least, vaulting ambition should cease to overleap itself; that the mad quest for place and power should be stilled, the proudest aspirations suppressed, all rivalry hushed, and our hearts turned in sorrowing affection to pay a last sad tribute to the memory of our departed brother. Verily, a great and good man has been gathered to his fathers. The 'silver cord is loosed,' and the 'golden bowl is broken'; for 'man goeth to his long home, and the mourners go about the streets,' and 'the spirit returneth unto God, who gave it.'

"Such, in substance, is the sermon that we read in Ecclesiastes —the words of the wisest of men, the Divine Preacher.

"But the language of one, less wise than Solomon only in his divinity, teaches that

> 'The evil that men do lives after them,
> The good is oft interred with their bones.'

"And the greatest Englishman of his day mocks us with the withering satire:

> 'When all is done, upon the tomb is seen,
> Not what he was, but what he should have been.'

"While we loathe to admit that there is much of truth in these lines, we are still forced to acknowledge that, in many instances, envy and detraction blacken the memory of the great and good; and, on the other hand, the language of the panegyric and the zeal of friendship whiten the reputation of the wicked and unworthy.

"It is, however, a matter of the profoundest congratulation to the bar to know that on this occasion we have a shining exception to the general rule, and that both the life and death of him whose loss we mourn belie the scathing satire of the great moralists; for we feel that his spotless integrity and profound ability deserve all the praise that human tongue can bestow; and the example so faultlessly set us, in the purity and rectitude of his life, will never perish but survive for posterity.

"Indeed, we can never forget that, for genuine ability, old-fashioned honest, naked truth, and loyal manhood, James Parsons Carroll stands now, where he stood when alive, alone and aloof, where few can stand beside him.

"He won this priceless meed by a life of singular purity, by great labor and assiduity, by self-abnegation, by a conscientious discharge of duty and an unostentatious charity. It is his, therefore, by a more divine right than that of kings or of lords—an inalienable right and inestimable privilege, which death cannot snatch from him, and which, *mutato nomine*, entitles him to the praise bestowed upon the younger Cato:

> 'Homo virtue simillimus, et per omnia ingenio
> Dilis, quam hominibus proprior.'

"For many years I had the honor of being his junior partner at law. Indeed, I may say that for the past thirty years, with the exception of the term of his chancellorship and my absence abroad, our partnership has existed in some shape or the other. To this I may add, without egotism, that I was his most intimate friend.

"As such it is, perhaps, proper to honor me, as the bar has generously done on this occasion, with the duty of seconding, in an especial manner, the touching and appropriate resolutions just read in your hearing. And yet, for this very reason, my embarrassment is greater, and the diffidence with which I approach the subject by no means affected. Under ordinary circumstances, I

would gladly have left the task to abler hands and fitter minstrels. As it is, however, and, in especial, as I knew him best and loved him most, I should not decline the duty; but, regarding it as such, lay aside the doubts that so weightily beset me, and speak of him as best I can.

"Were I as able as the Roman Tully, I would pronounce over him an exordium as full of affection and gratitude as that contained in the famous oration, 'Pro Archia Poeta.' Were I an orator, as Brutus is, I would take pride in painting the learned lawyer, the able and upright judge, the profound jurist, the conscientious adviser, the successful practitioner, as, also, in the happy language of the resolutions, 'his personal dignity, his high-bred courtesy, his persuasive eloquence, his unobtrusive charity, his unselfish benevolence.'

"As it is, I must only 'speak that I do know,' with the assurance that the admiration borne him by the bar will wake abler heads and loose more eloquent tongues.

"James Parsons Carroll was born in Charleston on the 10th day of April, 1809.

"His father was a resident of that city, and a rice planter in St. Paul's parish. Upon the death of the latter, and at the instance of his brother-in-law, Colonel Whitfield Brooks, he moved, when only nine years of age, to the town of Edgefield, where he entered the academy then under the charge of Mr. McClintock. In 1826, at the age of sixteen, he was matriculated at the South Carolina College, entering the junior class; immediately upon leaving college he commenced the study of law in the office of Colonel Brooks, was admitted to the bar in 1833, and entered upon that profession which he lived to illustrate and adorn.

"On the 7th day of April, 1841, he was married in the city of Savannah to Eliza Anciaux, one of the charming and accomplished daughters of Judge John Macpherson Berrien, who had been Attorney-General in President Jackson's cabinet in 1828, and was then United States Senator from Georgia; of this marriage five daughters were born, three of whom survive him; the two youngest died in early childhood, but not before they were old enough to appreciate and love their father.

"He soon rose to eminence at the bar, and in 1850 commanded a large and lucrative practice at Edgefield, that district being

then one of the largest in the State, and second only to Charleston (if we mistake not) in resources and professional emoluments. In that year I had the honor of entering his office as a law student; he was in the full tide of practice, strewing his path with professional honors, and linking his name with professional triumphs. The generous attention, unaffected kindness and unbounded confidence which he bestowed upon me culminated, as soon as I was admitted to the bar, in the partnership of Carroll & Bacon, which lasted until I was sent abroad in 1858.

"Of my connection with him, and of his uniform kindness and courtesy, it would afford me inexpressible pleasure to speak at length, were I not afraid of becoming egotistical. It is sufficient to say that his guileless friendship blinded him to my many faults, and his generous credulity magnified my little worth into something akin to virtue.

"In 1854 he was elected State Senator from Edgefield district, and in 1858 was reëlected to the same post of honor.

"His services in the Legislature were marked with all that ability, courtesy and impartiality so characteristic of the man. Political life, however, had no charm for him; its bitterness and asperity, its noisy strife and contention, its crimination and recrimination, were ill-suited to his taste. His ideas were too elevated and his patriotism too expansive to be confined to the tricks and trades of party politics. Nor could he at all times be 'cribbed and cabined' within party lines. And yet he was '*cutus et in cute*' a Carolinian. His loyal heart beat ever responsive to the welfare of the State, and his filial affection for her amounted almost to reverence.

"In 1859, the judiciary system of the State having been reorganized and Chancellors Johnstone and Wardlaw raised to the newly formed Court of Appeals, the Honorable J. P. Carroll and John A. Inglis were elected Chancellors of the Court of Equity.

"It was thought by some that as Chancellor Wardlaw, an able and honored citizen of Edgefield, had been elevated to the Court of Appeals, the same district (Chancellor Carroll being also a resident of Edgefield) should not be honored with a chancellorship. The State, however, was so impressed with his ability as to make his election unanimous.

"The patience, courtesy and ability with which he presided have been rarely equaled. The learning and probity of his decrees have been universally and cheerfully conceded. They are replete with sound law, and exhibit impartial investigation, diligent research, and a patient and laborious discharge of duty. We might refer to some of them as especially able, but, as they live in the State Reports, and are constantly referred to and quoted by both the bench and bar, we deem it best to let them speak for themselves, satisfied that in law and in style they will compare favorably with those of the palmiest days of the jurisprudence of South Carolina.

"In 1869, the Radical party then being in full possession of the Government, Chancellors Carroll, Lesesne and Johnson, though their terms of office had not expired, were ruthlessly stripped of their robes and divested of their offices.

"He was a member of the 'secession convention' in 1860, took an earnest and honest part in the deliberations of that body, and did all in his power to aid the State in her dark and bitter adversity.

"After his election, Chancellor Carroll moved to Columbia. His home was burned in 1865 in the conflagration of that city. His slaves had been emancipated, his property, in fact, confiscated, and his office taken away. In addition to this, his health had been impaired and his eyesight injured by the continuous and assiduous labors consequent upon his chancellorship.

"Weighed down with these misfortunes, he did not spend the time in useless repining. His family, his State and his honor were still left. Fortunately for him, his large brain, his legal lore and his indomitable energy were also left; and with these as his capital the ex-chancellor, at the age of sixty, stepped again into the forensic arena, undaunted and undismayed.

"His acknowledged ability, ripe experience and known integrity soon enabled him to command a remunerative practice. At the request of his junior partner, the firm of Carroll & Bacon was renewed at Edgefield. Meantime, upon the death of Mr. Arthur, the head of the firm of Arthur, Melton & Melton, of Columbia, he was invited to fill the vacancy in that firm, under the style of Carroll, Melton & Melton.

"By degrees he was enabled to revive his shattered fortunes, rebuild his house, and dispense once more that hospitality which

had characterized him in prosperity and even in adversity had never deserted him. And so, for a series of years, important cases were entrusted to him by an admiring clientage, resulting in large but conscientious and well-earned fees, until, with the aid of some fortunate investments in securities, he became again a man of affluence.

"And now, after he had passed the three score years and ten allotted to man, came another still more trying ordeal. He had endorsed for a friend in this State, and entrusted to another outside of the State, over $25,000 of securities, and, at the age of seventy-three, woke to the fact that in both instances his confidence had been misplaced and his fortune diminished by at least $25,000.

"Many had been astonished at the way in which he met and retrieved the losses consequent upon the war, but both friends and acquaintances now contemplated with admiration the philosophy and equanimity with which, at an age so advanced, he bore this latter and heavy loss. His principal regret seemed to be that it had curtailed, to a great extent, his generosity and his charity.

"Fortunately, enough was left him to indulge these noble traits of his generous heart. It is at this period of his life that I take the greatest pleasure in contemplating him: again in a beautiful mansion, with an intellect still vigorous and unimpaired, his health restored, his expressive eye beaming with fire and benevolence—full of the graces and amenities of a cultivated mind, surrounded by friends, beloved by his neighbors, dispensing a generous hospitality—the polished autocrat of the bar, the host and wit at his own festive board—blessed with health and competency, happy with his Ares and Penates—'*domus et placens uxor*'—and, above all, happy in the love and affection of his accomplished wife and daughters.

"This short and imperfect sketch of his life would not be complete without an allusion to his duel with Senator Louis T. Wigfall. Senator Wigfall, then a young lawyer at Edgefield, and a friend and classmate of Chancellor Carroll, regarding himself as insulted by Colonel Whitfield Brooks, sent him a challenge. Colonel Brooks, being a much older man, took no further notice of the challenge than to thrust the head of the bearer, a young lawyer, through a window pane. His son, afterwards the Honorable Preston S. Brooks, being absent, Chancellor Carroll

espoused the part of Colonel Brooks, his brother-in-law. The result was a duel between Wigfall and himself. Fortunately, it was a bloodless one. It was preceded, however, by the fatal rencontre between Wigfall and Bird, a nephew of Colonel Brooks, and followed by the duel between Brooks and Wigfall, in which both fell, as it was thought, mortally wounded.

"I was a close connection of Senator Wigfall's, and at the time of these duels we resided in the same house. Shortly thereafter he moved to Texas, and I never met him again until after the war. He was then an exile in London. He had been a member of both the United States and Confederate States Senates, and was able in head and fierce in spirits to a degree beyond that allotted to ordinary mortals. At the same time he had a great heart. As an instance of it, he said to me, among other things, in alluding to the past, that he regretted his duel with Chancellor Carroll and his denunciation of Governor Pickens in regard to the Mexican War.

"It will be proper, also, to refer to the report made by Chancellor Carroll, as chairman of the committee 'to collect testimony in relation to the destruction of Columbia.'

"Shortly after the war, at a meeting of the citizens of Columbia, he was appointed, on motion of Colonel William Wallace, chairman of said committee.

"To show the impartiality with which he discharged this duty, it will be necessary only to refer to two extracts from the report, as follows:

"'The committee do not feel authorized to deduce any conclusion or pronounce any judgment, however warranted by the proof as to the person responsible for the crime. Their task will be accomplished by presenting the evidence that has been obtained, with an abstract of the facts established by it.'

* * * * * * * * *

"'Impressed with the historic value of the proofs referred to, and their importance to the cause of truth, the committee respectfully recommend that they be committed to the guardianship of the municipal authorities and be deposited with the archives of the town, trusting that, in after and better times, they will be found effectual, as well to vindicate the innocent as to confound the guilty.'

"Comment upon the good faith and impartiality of this report would be superfluous, especially when it is remembered that at the time it was made the passions kindled by the war had not subsided; when the whole town was black with the charred ruins of the fire, and the distinguished chairman, himself houseless and homeless, was daily treading the ashes of his once valuable mansion.

"We have spoken of Chancellor Carroll as a lawyer and a judge. It will serve a good purpose to allude to the manner in which he regarded the law and practiced it. He believed in the majesty of the law. For him it was stamped with the principles of truth and justice, and entrusted with the guardianship of all real freedom and constitutional liberty.

"No man was ever more conscientious in the discharge of his duty to his clients. He believed, with Erskine, that no lawyer should constitute himself the judge of his clients' rights, and refuse 'to stand between the crown and the subject arraigned.' And at the same time he held, with Sir Matthew Hale, that the profession should not 'necessitate a man to use his eloquence, by extenuation or aggravation, to make anything worse or better than it deserves, or could justify a man in it.'

"He never condescended to quirks and quillets. The '*acutus leguleius*' he despised; the '*praeco actionum*' he scorned. The New York Code, lately saddled upon the State, he regarded as an innovation: a slender ladder of ill-digested forms, imperfect pocket-cases and perplexing rules, hedged in, as it were, by a clerk-like equity, and full of fancied profundity and still more fancied practicability.

"It was enough for him to know that it had supplanted, to a great extent, that common law—the 'purest, chastest and most perfect system of justice,' ever admired by the wise or perverted by the foolish—a system formed and fashioned by the wisdom of ages, and so perfect as to bear almost the stamp of divinity.

"He was, in fact, both by nature and education, an old-time conservative. He liked old-fashioned things in general—old-fashioned gentility, old-fashioned honesty, old-fashioned integrity, old-fashioned law, and old-fashioned morality. Indeed, he had an old-fashioned belief in regard to most of the modern innovations, creeds and religions, and he had a witty and old-fashioned way of expressing himself in regard to them—a way,

perhaps, a little quaint and obsolete at present, but, for all that, he may have learned it from the Gospels.

"To those who knew him well he was a philosopher. He appreciated the value of the golden mean, enjoyed the Horatian adages, 'Carpe diem,' 'Spargete rosas,' and yet he read aright the sermon of the Divine Preacher:

'Omnia sunt nulla, * * *
Cunctorum finis, mors, vermis, fovea, civis.'

"His mind was stored with gems from the standard authors. They were his unalloyed pearls. He wore them well, modestly and gracefully. They shone on him in prosperity, as also in adversity, contributed greatly to his own happiness, and enabled him to please and instruct all who came within the charmed circle of his acquaintances.

"He was eminently characteristic for two virtues, charity and purity. That charity which 'vaunteth not itself,' which his right hand did, and of which his left knew naught. That purity which whitened his life and will be the spotless robe of his resurrection.

"My friends, there have been many creeds, and many faiths, and many persecutions and inquisitions, St. Bartholomew's and Sicilian Vespers and many religious wars—the wars of the Sarbonne, the wars of the Jesuits and Jansenists, the Homoiusians and the Homoousians; and hundreds of thousands have gone to their graves the martyrs of a vowel or a diphthong, forgetful that, as Thomas á Kempis beautifully expresses it, 'Simplicity and purity are the two wings with which man soars above earth and all temporary nature,' and that a greater than he, yea, a greater than Solomon, hath said, 'Blessed are the pure in heart, for they shall see God.'

"Verily, my friends, this purity which so characterized our departed brother hath had its reward.

"In July last, Chancellor Carroll, though somewhat enfeebled by the fatigues of a heated term of the Court, was in the perfect enjoyment of his natural intellect, and of comparative physical health, insomuch that it was a matter of general observation and a source of pleasure to his friends.

"Towards the end of July he went to Cæsar's Head. The grand and true in nature had peculiar charms for him; and

while there he was accustomed to take frequent strolls in order to commune with Nature as she appears at that famous place, in her wildest, sublimest and most majestic forms.

"During one of these rambles he came in contact with a spider's web, which he carelessly brushed from his face. On the succeeding morning his lip was slightly swollen, and then for the first time it occurred to him that the swelling might be the result of the bite of a spider.

"By degrees the swelling extended to his face and head, and in a few days he passed quietly from life.

"His death was tranquil and apparently painless. In the language of the resolutions, 'he suffered while in life from no lingering disease, no slow decay of his physical or intellectual powers,' and 'died, as he often wished to die, in the full possession of all his faculties.'

"The press of the State, in announcing his death, exhibited an unusual degree of feeling and was evidently impressed with the fact that a man of extraordinary ability and remarkable integrity had passed away.

"As a specimen of the editorials in the different journals, we extract the following from the Columbia 'Register':

"'Throughout all his long, useful, honored and eminently successful life, few men were ever so happy, so generous, so noble in all things that make up the life of true and genuine manhood, as James Parsons Carroll.

"'Marrying in early life the devoted wife he leaves behind him, the daughter of John Macpherson Berrien, of Georgia, it has been Chancellor Carroll's good fortune to rear up around him a family of the sweetest and tenderest associations by which man was ever blessed.

"'To his friends, James P. Carroll has ever proved himself a friend indeed. His heart, however free, has ever been matched by a purse open to the necessities of every one who sought his help.'

"It is scarcely necessary to add that the State fully shared in the cheerful and affectionate tribute paid him by the press.

"No man had better schooled himself to meet the duties of life; few had so faithfully discharged them.

"For the last decade, at least, his life had been calm and contemplative; and we believe that at the time of his death he

might have truthfully applied to himself the words of the great cardinal:

> 'I know myself now; and I feel within me
> A peace of mind above all earthly dignities,
> A still and quiet conscience.'

"With proper alterations, may it not be written of such a man, as Carlyle wrote of Scott, 'No sounder piece of British manhood was put together in the eighteenth century,' and when he 'departed he took a man's life along with him'?

"All that now remains of him is robed for the eternal rest. He sleeps upon the bosom of his mother earth, with cross and garland over his green turf, with the admiration of his native State, the love of his friends and the affection of his family for his epitaph. And after all, when the depths and shoals of honor shall have been sounded, and the mockery of earthly grandeur shall have vanished, what nobler panegyric could genius itself compose to his memory?

"In his college days he learned to answer *adsum* to the call of the monitor's roll. Throughout life he answered *adsum* to the call of duty. And so, when the sunset bell of life, the last angelus rung him into the presence of the Almighty Monitor of all worlds, his answer was still *adsum*, in honor and in glory."

Upon the close of Judge Bacon's remarks, ex-Governor M. L. Bonham rose, and, with an emotion seldom if ever witnessed, paid a most touching tribute to the memory of Chancellor Carroll, who had been his companion in boyhood, his friend in manhood, and his love and admiration for more than fifty years. The distinguished speaker was so affected as to be unable fully to proceed.

It is greatly to be regretted that the affecting remarks of Governor Bonham on this occasion cannot now be procured.

TRIBUTE OF RESPECT TO CHANCELLOR JAMES PARSONS CARROLL.

In the Supreme Court of the State of South Carolina, on Tuesday, November 27, 1883, the three Justices of the Court being in their seats, and a number of lawyers, members of the General Assembly, and others, being present, the Hon. Charles Richardson Miles, Attorney-General of the State, arose and said:

"May it please your Honors: The Honorable James P. Carroll was the last surviving chancellor of South Carolina elected under

the constitution of 1790, the only surviving ex-chancellors, Chancellor Lesesne and Chancellor Johnson, having been elected under the constitution of 1865, and the venerable and honored members of the judiciary elected under the constitution of 1790, Judges Glover and Munro, having been law judges. And a worthy representative he was of the bar and bench of 'old South Carolina.' With a mind vigorous and acute, well disciplined by study and furnished by reading, thoroughly trained by a large and successful practice, with genial nature and dignified and courteous manners, he illustrated some of the highest qualities of a lawyer. The gifts and acquirements which had earned for him reputation and success at the bar won for him distinction on the bench.

"He was peculiarly fitted for the duties of a chancellor of South Carolina. With intellect and learning which qualified him to deal with the profoundest, subtlest principles and the most difficult and intricate questions, his decrees as chancellor and opinions in the Equity Court of Appeals and in the highest court of South Carolina, the Court of Errors, rank him high among the judges of a State which was always justly proud of her judiciary. And his diligence and accuracy, his patience and urbanity, made him most successful and acceptable in the discharge of the varied and exacting duties of a chancellor. As a judge he was easy to approach and singularly free from all official assumption; but his firmness and dignity effectually prevented any attempt to presume.

"When, after the constitution of 1868, Chancellor Carroll was deprived of his commission as chancellor, which he could never have forfeited, because he held it '*dum bene se gesserit*,' we all remember the spirit, vigor and cheerfulness with which he returned to the bar, and again displayed the characteristics which had made him so successful as a lawyer and distinguished as a judge.

"Very early in my professional life I enjoyed the advantage of a somewhat intimate association with Chancellor Carroll, through his intimacy with my old preceptor, partner and friend, Honorable Isaac W. Hayne, whom Chancellor Carroll valued and loved for the qualities which made him what he was—one of the highest, truest, bravest of men, and one of the noblest types of a South Carolinian—and I was honored by many marks of his

confidence and friendship to the end of his life. And I feel it a grateful though sad privilege to pay this imperfect but heartfelt tribute to his worth.

"Around the memory of Chancellor Carroll cluster the association of those earlier days when the life of the State flowed untroubled in peaceful channels—when judges, without fear and beyond reproach, wore the unsullied ermine on seats upon which 'shame was ashamed to sit.'"

In seconding this motion, the Honorable Joseph Daniel Pope spoke.

Below is the oath that lawyers had to take before they were allowed to practice their profession in 1865:

(Copy.)
Headquarters United States Forces,
No. 3168. Provost Marshal's Office,
Columbia, S. C., September 18, 1865.

I, J. P. Carroll, do solemnly swear, in presence of Almighty God, that I will henceforth faithfully support and defend the Constitution of the United States and the Union of the States thereunder, and that I will in like manner abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves. "So help me God." J. P. CARROLL.

Sworn to and subscribed before me, at Columbia, S. C., this 18th day of September, 1865. WM. P. SCOTT,
Captain and Provost Marshal.

Chancellor Carroll having won a very important case, his client was so delighted he invited him to a grand dinner at his home. The grandmother of the family, a bright, appreciative lady from the Emerald Isle, was much interested in all that she heard of "the great lawyer." She said: "I, too, must give him an expression of my esteem."

When the guests were seated the Chancellor found a card beside his plate, daintily decorated, upon which was inscribed this sentiment:

"Honors enrich him naught who is himself an honor to his honors."

CHANCELLOR INGLIS.

1. James Inglis, of Paisley, Scotland, Judge Inglis's grandfather, came to America, June, 1759, and settled in New York city as a merchant. In January, 1767, he married Marie Janvier, who was born in Ireland in 1744, a daughter of Pierre Janvier, a French Huguenot, who, at the time of his daughter's birth, was refugeeing with his family in that country. In 1810, James Inglis, with his wife and two daughters, removed to Baltimore, where, after a long life of honor, enterprise and usefulness, he died, February 8, 1846, in the eighty-eighth year of his age.

2. Rev. James Inglis, D. D., of Baltimore, a son of the above marriage, and Judge Inglis's father, was educated at Columbia College, N. Y., where he graduated May 4, 1795, when in his eighteenth year. In the following June he began reading law in the office of Alexander Hamilton, and in 1798 was admitted and began practice at the New York bar. He soon, however, abandoned law for theology, and on the 25th of April, 1802, was ordained second pastor of the First Presbyterian Church of Baltimore. He died August 15, 1819.

3. Judge John Auchincloss Inglis, LL.D., was born in Baltimore, Maryland, August 26, 1813, and was the fourth and youngest son of the Rev. James Inglis, D. D., the second pastor of the First Presbyterian Church of Baltimore and one of the most accomplished pulpit orators of his day.

Judge Inglis's mother was Miss Janet Swan Johnston, a daughter of Mr. Christopher Johnston, of Baltimore, a merchant in the East India trade and an elder in Doctor Inglis's church.

Judge Inglis, by the death of his father and mother, became, in his sixth year, the ward of Mr. Alexander Fridge, of Baltimore, and was by his guardian sent to begin his education under the tuition of Rev. Dr. James Magraw, principal of the West Nottingham Academy, Cecil County, Maryland. Here he remained for seven years.

In 1826 he matriculated at Dickinson College, Carlisle, Pennsylvania, where, at the expiration of three years, he graduated with high honors at the age of sixteen. During the next two years he was tutor of Latin and Greek at Carlisle, and then

removed to South Carolina to become principal of the Cheraw Academy.

On the 8th of November, 1832, he married Miss Charlotte Laura Prince, a daughter of Mr. Lawrence Prince, of Cheraw, and soon after, at the suggestion of his wife, began the study of law. He was admitted to the South Carolina bar in 1840, at the age of twenty-seven.

In 1855 he was elected to the South Carolina Legislature, and upon the expiration of his first term was reëlected for a second term of two years. In 1857 the Governor of the State appointed him one of the trustees of the University of South Carolina. In 1859 he was elected a judge of the Circuit Court, but at the same session of the Legislature he was transferred to the Court of Equity and became one of the four chancellors of the State. In 1860 he was a member of the secession convention, and at the session in Columbia drew and presented the famous *resolution* that the State secede at once, and which was unanimously adopted the same evening. He was, at the session in Charleston, made chairman of the committee which drafted the ordinance of secession, which he presented December 20, 1860.

The United States army in 1865, while on its march through South Carolina, burned Judge Inglis's house and destroyed everything of value on his plantation. The library contained over three thousand volumes and was worth something more than ten thousand dollars, the law library alone costing about five thousand dollars.

Judge Inglis was the same year (1865) elected junior Associate Justice of the Court of Appeals of South Carolina, but was soon after, by the Federal Government's reconstruction measures, retired to private life. In August, 1868, he returned to Baltimore and resumed the practice of his profession. In February, 1870, he was elected professor of commercial and testamentary law and equity in the law department of the University of Maryland. In 1872 he was elected president of Oglethorpe University, Georgia, but felt himself compelled to decline the honor. The university in 1873 conferred upon him the degree of LL.D. In March, 1874, he was appointed by Governor Whyte chief judge of the Orphan's Court of Baltimore city, and at the general election in 1875 he was unanimously elected to fill the same position, having received the support of all parties in consequence of his

high character and eminent qualifications. The Baltimore board of trade, in June, 1878, elected him judge of the Court of Arbitration, then being organized under an act of Assembly drawn by him at the request of the board.

Judge Inglis became a member of the Presbyterian Church in his seventeenth year, was for many years a ruling elder in the church at Cheraw, and at the time of his death was a ruling elder in the Franklin Street Presbyterian Church, Baltimore.

He died at his residence, No. 124 Cathedral street, Baltimore, Maryland, August 26, 1878, and is buried in Loudon Park Cemetery, Baltimore.

Columbia, S. C., December 20, 1859.

Hon. James Simons, Speaker of the House of Representatives.

Dear Sir: I beg leave, through you, to announce that I accept the office of Law Judge, to which I have been elected by the General Assembly, and thereby vacate my seat in the House.

In communicating this fact, I cannot forbear that expression of my grateful remembrance of the uniform kindness which has been shown to me by the officers and members of the General Assembly during the whole period of my connection therewith, and, particularly, my profound sensibility to this last manifestation of their confidence and regard.

I am, sir, with great respect, yours, etc.,

John A. Inglis.

CHANCELLOR LESESNE.

("News and Courier," June 8, 1886.)

The Honorable Henry D. Lesesne died in this city yesterday in the seventy-sixth year of his age. He was a native of Charleston and had resided here during his entire lifetime. He received his education at the College of Charleston, graduating with the highest honors of his class, was admitted to the bar in 1831, and was afterwards associated in practice with the Honorable James L. Petigru.

Mr. Lesesne was a member of the Legislature for many years, and served as Senator from Charleston county for several terms. He was first elected as Senator by a complimentary vote during his absence in Europe, and was not aware of his political elevation until he had reached New York on his way home.

Mr. Lesesne early distinguished himself as a fair-minded and able lawyer, and in 1865 was elected one of the chancellors of the Court of Equity, being associated on the bench with Chancellors Johnson and Carroll. He held this office until 1868, when it was abolished. After his retirement from the bench, Chancellor Lesesne pursued the practice of his profession with unvarying success until his increasing years compelled his withdrawal from active professional life.

In all the relations of life Chancellor Lesesne sustained the character of a high-minded and virtuous gentleman and an honored and honorable citizen. Possessed of a store of wide and varied information, and gifted with all the graces of conversation, he was at all times a most entertaining companion, and in the social circle as well as in the forum he was eminently fitted to hold the high position he so long enjoyed.

In his death another of the links connecting the present with the historic past of his State has been broken, and another honored name has been added to the long list of those who have illustrated by their lives whatever is best and highest in the character of the sons of South Carolina.

CHANCELLOR WILLIAM DALRYMPLE JOHNSON.

("The State" of December 17, 1902.)

Marion, December 17.—Honorable William D. Johnson died at his home in this town last night at 10 o'clock. The end of his long, useful and honorable life was peaceful and painless. The members of his family were all in attendance at his death-bed, being prepared to expect the sad event in view of the advanced age of the venerable sufferer and of the grave symptoms his sickness had developed during the last few days.

Chancellor Johnson was in his eighty-fourth year, having been born in North Carolina, September 9, 1818. He came of fine old Scotch stock, his ancestors on the maternal side belonging to the prominent Dalrymple family. They followed the fortunes of the Stuarts, and when the hopes of the "Bonnie Prince" were blasted at Culloden some of them joined the Scottish contingent of exiles that sought refuge along the banks of the Cape Fear.

Mr. Johnson was educated at Davidson College, North Carolina, and at Princeton, New Jersey, and after his graduation located at Bennettsville. He studied law and was admitted to the bar, and was thoroughly equipped for his life-work. His high character and eminent ability soon found appreciative recognition at the hands of discerning electors, by whom he was sent to the convention that adopted the ordinance of secession, and afterwards chosen State Senator from Marlboro district. When his senatorial term expired the Legislature showed its appreciation of his legal talents and his moral rectitude and integrity by elevating him to the chancery bench, which he occupied until the jurisdiction was abolished in 1869.

About that time Mr. Johnson removed to Marion and formed a law partnership with Major J. M. Johnson, Mr. J. W. Johnson, a son-in-law of the Chancellor, being afterwards admitted as a partner. This firm did an active and extensive business in Marion and the adjoining counties, and was kept up until a year or more ago, when the weight of years and increasing bodily infirmity compelled the venerable senior member to withdraw from the practice. In the meantime the Chancellor exhibited the versatility of his strong genius by carrying on sucessfully one of

the largest agricultural enterprises in this section of the State. His well-known farm at Denoho was a model of scientific agriculture conducted on a large scale. He was, besides, a learned authority on pomology and horticulture, and his practical mind comprehended every detail of barnyard and stock farm.

A striking proof of the Chancellor's personal integrity, as well as his business capacity, is the fact that for more than thirty years past, through all the depression, uncertainty and vicissitude of that period, he managed the affairs of a large trust estate involving many thousands of dollars so skillfully and faithfully as to avoid any depletion of corpus and interest; and he was but recently discharged from the trust with the commendation of the court.

Chancellor Johnson married, in 1851, Miss Sarah Elizabeth McCall, of Darlington district, who preceded him to the grave nearly twenty-five years ago. The surviving children are Messrs. N. M. Johnson and D. Dalrymple Johnson, and Mrs. J. W. Johnson, of Marion, Mrs. S. A. Woods, of Darlington, and Mrs. W. McG. Buck, of Mullins.

The funeral services will be held at the Presbyterian Church, of which the Chancellor was a faithful member and an elder of many years' standing.

Chancellor Johnson was best known, perhaps, as the last of the chancellors, but he also enjoyed the distinction of being one of the few survivors of the convention which met in Columbia, December 17, 1860—forty-two years ago—and after adjournment to Charleston adopted the ordinance of secession on the 20th of December. Three of the members of that convention have died this year, and but seven remain.

S. G. Lewis et al., respondents, *vs.* Quincy Hinson et al., appellants. Mr. W. D. Johnson for appellants; Mr. W. W. Sellers for respondents. On the 26th of January, 1900, when Chancellor Johnson and Mr. Sellers argued the above-stated case they would address each other as my young friend. I wrote on a slip of paper: "Mr. Sellers, you are eighty-two. How old is Chancellor Johnson?" and he wrote:

"In his eighty-second; so am I."

Both of these distinguished gentlemen lived in the beautiful town of Marion, S. C. I have often wondered if two lawyers so old as these ever pleaded at the same time a cause before the highest tribunal in any State in the Union. They both looked feeble and needed rest. I thought of the following lines:

IN THE MATTER OF REST.

1.

Rest for hand and brow and breast,
For fingers, heart and brain?
Rest and peace? a long release
From labor and from pain;
Pain of doubt, fatigue, despair—
Pain of darkness everywhere,
And seeking light in vain?

2.

Peace and rest: Are they the best
For mortals here below?
Is soft repose from work and woes
A bliss for men to know?
Bliss of time is bliss of toil;
Not bliss but this, from sun and soil,
Does God permit to grow.

JOSEPH N. WHITNER.

By Governor B. F. Perry.

Judge Whitner was one of the kindest, most amiable and best of men. He was benevolent and charitable to all who were in want. He was sincerely a Christian and a very pious member of the Presbyterian Church all his life. And yet, with all his amiability and goodness, he possessed a nervous and excitable temper by nature. But his good sense and good feelings rarely permitted his temper to manifest itself on any occasion, public or private. On the bench and at the bar he was always patient, forbearing and courteous. Never was there a more conscientious man in the discharge of all his duties in every relation of life, whether public or private. This conscientiousness and anxiety to do right, and act properly under all circumstances, very often produced a hesitation in his action and decision. It was sometimes discoverable on the bench. He hesitated and doubted where a judge with less conscientiousness would have decided at once, although his convictions were as doubtful as Judge Whitner's.

Judge Whitner was born on George's creek, in Pickens county, about seven miles from Greenville Court-house. His father moved near Pendleton village, where he was brought up and educated till he entered the South Carolina College, of which institution he was a graduate. He read law and was admitted to the bar, and settled at old Cambridge. But after a short residence there he moved to Pendleton Court-house and formed a partnership with Judge Earle, who was then solicitor of the Western Circuit. Judge Whitner was very soon elected a member of the Legislature from Pendleton district. He assisted mainly in the division of the district into Anderson and Pickens districts. Since that, Pickens has been divided again into Oconee and Pickens districts. Whilst Pendleton still remained one senatorial district, Judge Whitner was elected to represent it in the State Senate. He was then elected solicitor of the Western Circuit, and for many years he discharged the onerous duties of this office with great ability and efficiency. Some years before

his elevation to the bench there was an election of judge before the Legislature. This contest was very close, and one of the votes intended for Whitner was written "*Whiten.*" If this vote had been counted he would have had a majority and been elected. But on the second ballot Judge Withers was elected. The next vacancy that occurred on the bench Judge Withers was elected to fill, and he remained on the bench till his death many years afterwards. Whilst solicitor he was put in nomination for Congress, very much against his wishes. There was a high political excitement in the State on the subject of the sub-treasury. General Thompson, who was then representing the district in Congress, differed with Mr. Calhoun on this subject, and an effort was made by Mr. Calhoun and his friends to turn him out. Judge Whitner at that time was perhaps the most popular man in the congressional district. He was, therefore, put in nomination, but his personal popularity availed him nothing in the excitement. His warmest and most devoted friends voted against him. The returns from the different precincts in Anderson district were brought to Pickens Court-house whilst court was sitting there. Whitner looked over the statement and said to me: "I really thought I could have got more votes than I did at some of these boxes for President of the United States." So true it is that friendship, gratitude and personal respect are all thrown aside in a political excitement when an election takes place.

Judge Whitner was a great temperance man, and a sort of lieutenant-general of Chief Justice O'Neall in the temperance cause. Whilst O'Neall was on the circuit, and Whitner was solicitor, they invariably had temperance lectures at all the court-houses. I have no doubt that if both of these gentlemen had taken a glass of brandy every day, in the latter part of their lives, they would have lived much longer. When Judge Whitner was on his death-bed he sent for Doctor Fair, of Columbia, to visit and prescribe for him. The Doctor told him to eat nourishing food and drink brandy. But the prescription came too late. After Doctor Fair's visit, Judge Munro called to see his brother Whitner, when the latter said to him: "I am now going to do, Judge Munro, what I have never done before—ask you to take a glass of brandy with me."

As to carrying deadly weapons about one's person, Judge Whitner told me the following circumstance in reference to him-

self. He was a student in Union village, when the deputy sheriff came to arrest him on some very trivial matter. Playfully, he pulled out a pistol and told the deputy he would not be arrested. He did it as a joke, and supposed it would be well received as such by a man whom he knew very well and with whom he was on the best of terms. But, mistaking the motive, the deputy flew into a passion, jumped from his horse, and said: "I will arrest you at the risk of my life." Judge Whitner said his nature seemed suddenly to change, all reflection thrown away, and if the man had advanced he would have shot and perhaps killed him.

Judge Whitner married the only daughter of James Harrison, Esq., who still survives him and by whom he had a large family of children. They were all educated with great care, and prospered in life. The Judge lived in great elegance and with great hospitality. He kept an open house for friends and visitors at all times and on all occasions. Although a strict Presbyterian, he had all his children taught to play on some musical instrument, and a visitor would see two or three violins and flutes lying about his house. He encouraged the people to dance for amusement of a winter's evening, and made his home a happy one for all his family and visitors. I remember hearing a gentleman from Charleston say that he had never seen more elegance or finer entertainments than he met at Judge Whitner's.

The Judge was a cotton planter for a number of years in Florida, but I understood him, not many years before his death, that he had not found planting in Florida very profitable. To plant profitably, a gentleman must live on his plantation and supervise everything.

In early life Judge Whitner took great pride in commanding a troop of cavalry, and was afterwards elected brigadier-general, when I had the honor of being appointed on his staff, with the rank of major, which has stuck to me through life. But my friend Richard Yeadon always denied my rank and insisted that I was only a captain and could be nothing higher on a brigadier's staff. When the ordinance of nullification was passed, all the militia commissions were vacated by act of the Legislature, and General Whitner refused to be reëlected. General Waddy Thompson was elected in his place. He was, however, a strong nullifier and secessionist, though a sincere Christian, loving peace and good will to all mankind. Shortly after the first battle of Mannassas,

I traveled to Virginia with Judge Whitner and his most amiable lady, who were on a visit to a son who was wounded in the battle. Mrs. Whitner, who was always an esteemed and valued friend of mine, observed to me that she never thought our political excitement would come to a deadly civil strife, or she would not have been in favor of secession. I replied I had no doubt thousands and hundreds of thousands entertained the same sentiments and feelings; but that I had always anticipated such a result, and was, therefore, bitterly opposed to the movement.

JUDGE THOMAS N. DAWKINS.

By Governor B. F. Perry.

Judge Dawkins died a few years since, suddenly, in the prime of his life and amidst his usefulness and well-merited popularity. His death was a great shock to his friends all over the State. All who knew him loved and admired him for his high character, social virtues, talents and amiability. He had the confidence of all and the enmity of no one. In times of highest political excitement he was elected to office and had honors conferred on him by his political opponents. They appreciated his talents, had confidence in his integrity, and admired his gentle, unassuming deportment. He maintained his own principles firmly and permitted others to do the same without censure or denunciation from him. Hence he had no political or personal enemies. He was recognized by all to whom he was known as a pure and noble-hearted gentleman. In his own—his native—district he was especially endeared to the people by a lifetime's intercourse with them socially and professionally. He was, indeed, a most amiable gentleman—courtly in his manner, and cordial in his friendship. He was dignified in appearance and deportment, and at the same time as affable to the humblest citizen who approached him as if they were equals in rank and station.

Judge Dawkins was born in Union district. General Dawkins, his father, was a man of fortune, great personal popularity and extensive influence in his section of the State. He was a successful planter and merchant, major-general, and member of the Legislature. He left as an inheritance to his son a name without blemish, and those sterling qualities of heart and head which characterized him through life. Judge Dawkins graduated in the South Carolina College with distinction, read law at Union Court-house, and, after his admission to the bar, formed a partnership with Andrew Wallace Thompson, Esq. They had a very extensive and lucrative practice, but soon discovered that it was to the interest of both they should dissolve their partnership and practice separately.

The storm of nullification came on shortly after Judge Dawkins's admission to the bar, and although the State, in his own district, by an overwhelming majority espoused almost madly this new doctrine of States' rights, he never swerved from the faith that was in him as a Union man, or ceased to oppose in every proper way the inculcation of such political heresies. He was elected a member of the Legislature, while he differed in *toto coelo* with his constituents on this subject.

Whilst a member of the Legislature he was elected solicitor of the Middle Circuit by those who were opposed to him in politics. He was reëlected solicitor several times, and finally resigned the office, or declined a reëlection. It was admitted by all that he made a most admirable prosecuting officer. He discharged the duties with ability, fidelity and impartiality.

For many years he was an active member of the board of trustees of his *alma mater*.

During the war he espoused the cause of his native State, though a Union man. When South Carolina seceded he admitted the sacred right, solemnly proclaimed in our Declaration of Independence, "*The right of self-government.*"

After the close of the war Judge Dawkins was elected a member of the State convention, under the proclamation of the President, for reorganizing the State Government. He was an active member of that body, and participated largely in its discussions.

Whilst Provisional Governor of South Carolina I was requested by President Johnson to nominate a suitable person for district judge of this State. I tendered the appointment to Judge Dawkins. He hesitated and said he would decide when he returned home. Shortly afterwards he wrote me, declining the office, as it would necessarily compel him to reside permanently in Charleston. I then nominated Judge Bryan, who accepted the nomination and received the appointment.

The people of Union district in 1866 elected him again to the Legislature, and he was appointed chairman of the judiciary committee. This was a most important position at that time, when our laws were undergoing the most important changes. With great assiduity, ability and learning he discharged the duties of his position. Soon after this there were two vacancies on the law bench, and Dawkins was elected to fill one of them.

I rode the circuit with him whilst on the bench, and was very much pleased with him as a judge. He was prompt in dispatching and deciding all matters before him, and at the same time he was pleasant and courteous. Had he remained on the bench any length of time he would have acquired a reputation as a judge.

But Congress required South Carolina to be reconstructed over again, and a new constitution was adopted by the carpetbaggers, negroes and scalawags, which vacated all offices in the State. Judge Dawkins had to give place to those who had succeeded in gaining the confidence of the Radical party. He returned to the bar and resumed his practice a short time before his death.

Whilst Judge Dawkins was on the Western Circuit I insisted that he should stay with me whilst holding court at Greenville. I had spent a week at his house whilst I was attending Union court the summer preceding. He said "No" most emphatically, and assigned as a reason that a judge should not only be honest and impartial, but that he should never subject himself to a position in which a base mind might suspect his fairness and impartiality. He said if a judge was staying with a practicing lawyer, and decided a case in his favor, the opposite party, unless pure and honorable themselves, would think that he had been influenced in his decision by something said in private. The same sentiment had been expressed by Judge David Johnson and acted through life.

Judge Dawkins was twice married, but left no children by either marriage. His first wife was the belle of Greenville for several years, and greatly admired by all who knew her for her beauty, amiability and pleasant manners. His second wife was a young English lady, handsome, intellectual, accomplished and learned, cordial in her manners and devoted in her friendship. Judge Dawkins met me once at Spartanburg, and said that Mrs. Dawkins had understood that I was to be at Union court, and insisted that I should stay with them and consider myself her guest. I did so, and was charmed with her's and the Judge's elegant hospitality. The Judge attracted my attention to his beautiful lawn in front of his house, and the surrounding shrubbery, with tasteful walks, etc. He said it was originally an old field, and one spring whilst he was on the circuit Mrs. Dawkins had it laid out and planted in his absence.

Judge Dawkins, with Judge Wardlaw and Alfred Huger, were appointed by the convention in 1865 to visit President Johnson and ask for the release of President Davis. They went to Washington and had a personal interview with the President. In his younger days Judge Dawkins was appointed aide to one of our Governors, with the rank of colonel, a title by which he was usually known till his election to the bench.

Judge Dawkins was a fine-looking gentleman, and bore the stamp of one of nature's noblemen.

And there were very few of my friends for whom I had so strong an attachment whilst living, whose death I so deeply mourned, and for whose memory I have such an affectionate reverence.

JUDGE EDWARD FROST.

By Governor B. F. Perry.

This most amiable and excellent gentleman was for many years one of the law judges of South Carolina. He did what very few judges have done in South Carolina—voluntarily resigned his seat on the bench. I remember, some years before Judge Frost sent his resignation to the Legislature, Mr. Robert W. Barnwell, speaking of the life of a judge, said it was surprising that Judge Frost, who was a gentleman of fortune and fond of his family and domestic life, should continue on the bench, and spending the greater part of his life at hotels, holding courts and taking down the testimony of rude and ignorant men. That a distinguished lawyer should aspire to the highest honors of his profession is very natural and commendable; but if he has a fortune it is a little remarkable that he should continue to perform, in his old age, the laborious drudgery of a judge. Most of our judges in South Carolina have been in moderate circumstances, and felt that they could not, in justice to themselves and families, give up their position and its salary.

Judge Frost was born in the city of Charleston and graduated at Yale College. He read law and was admitted to the bar at an early age. He had a fine practice, but left to his partner, as I have heard him say, the entire settlement of all fees as well as the amounts their clients were to pay. He had no taste for making charges and collecting fees. Whilst a very young man he was elected a member of the Legislature from the city of Charleston, and continued in that body till he was elected to the bench. The first time I ever saw Judge Frost he was making a speech in the House of Representatives on some local question connected with the interests of his constituents. The opposition to his measure seemed to come from the upper country. He was very much excited, and spoke with great warmth of manner and evident sincerity. He thought those who were opposing him did not understand the question, as they were from the country. He tauntingly said that they could not see the propriety of the measure, for they had in all probability "never smelt salt water."

This expression greatly amused the House and became a byword afterwards with some of the members from the upper districts. They would say, in addressing the Speaker, that although they had "never smelt salt water," they knew certain facts to be true, etc. This quotation was made so often that the young member became a little restive under it.

I served in the Legislature many years with Judge Frost, and never saw a more pure, upright, conscientious and honorable man. He told me, whilst he was on the bench, and when the question of separate secession was first mooted in South Carolina, that he had yielded his conscientious convictions of propriety to the judgment of others in our nullification struggle, and that he was resolved he would never do so again.

After he resigned his judgeship he was elected president of the Blue Ridge Railroad Company, and devoted himself for several years to the great interests of that company. During his presidency the company was involved in a most tedious and harassing litigation with Bangs & Company, who were contractors on the road. The suit was brought in Georgia, and the Judge had to attend the court for some time. He told me that after the adjournment of court every day his counsel and himself would repair to his rooms at the hotel and take a drink of good old brandy which he had brought with him from Charleston. The counsel suggested one day that he should invite the presiding judge to go with them and join them in a glass of brandy. Judge Frost replied that he would be very happy indeed to have the pleasure of his Honor's company, but he doubted very much the propriety of such a step. In South Carolina it would be regarded as indelicate, and that he had never heard of such a thing as treating the judge who was trying an important case, either whilst he was at the bar or on the bench. The counsel assured him that there was no such delicacy existing in their courts. Thereupon the judge was invited and went with them regularly to his rooms. Judge Frost said his brandy soon gave out and he had to send off to some grocery establishment to get a fresh supply. His counsel and his Honor did not perceive any difference in the liquor. They continued to praise it and said it was far superior to anything of the kind they could get in that region of the country.

At length Judge Frost got tired of the presidency of this railroad company, and wrote me a very kind letter, stating that his purpose was to resign, and that he and his board of directors desired me to accept the presidency of the road. I wrote back to him that my life had been devoted to law and politics, and that I was now unfit for anything else. I could not think of accepting a position which I was wholly unfit for and knew nothing about.

During the Civil War, Judge Frost resided at Pendleton, and after the surrender of General Johnston a Yankee raid came through that part of the country and the citizens armed themselves to resist. The Judge shouldered his rifle and marched out to meet the raiders. He then returned to Charleston, which was in ruins, and, socially, in a state of chaos. They were without civil government, and determined to make application to the President for the appointment of a Provisional Governor for South Carolina. The Judge and four or five other gentlemen were requested by the citizens to proceed to Washington and ask an interview with President Johnson on this subject. They did so, and several names were suggested to his Excellency, mine amongst them. The President asked Judge Frost if I was not "too much of a people's man to be acceptable to the city of Charleston." The Judge assured him that my nomination would be altogether acceptable. He called again and the President assured him that my appointment would be made.

Judge Frost was a member of the State convention which assembled in 1865 to frame a new constitution for South Carolina. He participated largely in the debates of the convention, which was composed of the ablest men of the State. It is doubtful whether any assembly ever convened in South Carolina surpassed it for talents, wisdom and ability. But their labors availed nothing. Another convention was ordered by act of Congress to make another constitution. This convention was the opposite in all respects of the former one, and was the disgraceful beginning of that corruption, ignorance and roguery which have governed the State ever since and dishonored every department of its government.

Judge Frost made a very admirable circuit judge,—always pleasant, good natured, polite and courteous. He despatched the business of his court promptly and with ability. A more pure

and upright judge never sat on any bench. Judge Frost may have had personal enemies, but I never heard of one. In his personal appearance he was prepossessing, and his manners were those of a polished gentleman. I heard a gentleman, who had seen Lord Brougham seated in the House of Lords, say that there was a striking likeness between him and Judge Frost. But when the Lord Chancellor rose to address the House of Lords he discovered that he was a much taller man than the Judge, and a great deal taller than any one would suppose him to be, seeing him seated.

Judge Frost was most sensitive to any seeming impropriety. He was once trying a very trifling *sum. pro.*, and one of the parties litigant was put upon the stand as a witness. He shook hands with the Judge and reminded him that he had served in the Legislature with him and voted for him when he was elected judge. After court adjourned the Judge said to me: "That beast of a fellow had the indelicacy to tell me, whilst trying his case, that he had voted for me in the Legislature when I was elected to the bench!" He seemed to think that this was said to influence his decision in the case; but I told him he must attribute it to ignorance rather than to impropriety.

DAVID LEWIS WARDLAW.

By Governor B. F. Perry.

Judge Wardlaw, an eminent lawyer, legislator and jurist, a high-toned and honorable gentleman, greatly esteemed by all who knew him for the qualities of his head and heart, departed this life a short time since, full of years and full of honors.

The distinguished men of South Carolina,—they who gave character to the State and made her proudly eminent amongst her peers in a past and better age,—are dropping off one by one, as if their pure spirits could bear no longer the present demoralization and degradation of her people. Long will it be under the present corrupt *regime* and dishonored public sentiment before we can hope to see their like again in high and honored positions. Sad, indeed, is the contrast between the times in which Judge Wardlaw was crowned with the honors of the State for his purity of character, learning, talents and patriotic service, and the present age in which all these high and noble qualities are barriers to distinction in public life.

My acquaintance with Judge Wardlaw commenced in 1824. He was then a young lawyer with a high reputation at the bar. He came to Greenville to argue an important case in which Judge Earle had been employed, but felt a delicacy in conducting it, as the defendant had been acting under his legal advice in the case for which he was then sued as a trespasser. I was then struck with his modest demeanor, pleasant manners and great sociability. His argument in the case was clear, lucid and able, as all of his speeches at the bar were in after life. I had occasion, after my admission to the bar, to feel the force and power of his intellect and learning. When Judge Earle was elected to the bench, Judge Wardlaw took his place and fell heir to his professional business in partnership with William Choice, Esq. He attended Greenville court regularly till he was promoted to a seat on the bench. We were very often employed on different sides of the same case, and sometimes employed on the same side of the same case. This frequently happened in capital cases. Our association in the Legislature was likewise for many years. For

more than twenty-five years I had the pleasure of practicing before him as a judge. Our acquaintance, thus intimate, wanted but one year at his death of being a half century.

I had the pleasure of forming the acquaintance of Judge Wardlaw's venerable father in the spring after my admission to the bar. He was then clerk of the court at Abbeville, and had been for many years. He was elected by the Legislature, and continued in office during pleasure or good behavior. He was a remarkably fine-looking, courtly old gentleman, and reminded me, every time I looked at him, of the likeness of Jefferson. There was something strikingly similar in their features. He was tall and commanding in his appearance, and a much larger man than any of his sons. He lived to a good old age, and resigned the office of clerk many years before his death.

Judge Wardlaw is said to have been the first child born in the village of Abbeville. But this must be a mistake, as the county was laid out in 1778, and a "court-house, jail, pillory and whipping-post" ordered to be erected on some suitable place selected for a county-seat. The Judge was not born till 1799, and it would be an extraordinary circumstance for a village to exist ten or twelve years in South Carolina without a birth in it! But he was born, lived all his life, and died in the seventy-fifth year of his age, in the village of Abbeville. How few great men in America have done this! Indeed, there is not one man, great or humble, in ten thousand who has done so. It was said by an English writer, who traveled in the United States, that the Americans were born moving, lived moving, and died moving! Judge Wardlaw was educated at Doctor Waddell's famous school at Willington, in Abbeville district, where Calhoun, Crawford, McDuffie, Petigru, Legare, Longstreet, and a host of other great men, received their classical education. At this school Judge Wardlaw was distinguished, though a small boy, for his excellence in public speaking. He entered the South Carolina College very young, and graduated with the first honor of his class. What is remarkable, his brother, Chancellor Wardlaw, graduated the next year in the same college and received the first honor of his class. This, I will venture to say, has rarely happened in any other family in South Carolina or in the United States.

Judge Wardlaw read law in the office of Governor Noble, and formed a partnership with him after his admission to the bar.

They continued in partnership till it was manifestly to the interest of both to dissolve it. Instead of having only one side of a case, by practicing separately they might be employed on both sides. Whilst they were partners in law, one was President of the State Senate and the other Speaker of the House of Representatives. As a lawyer, Judge Wardlaw had few equals in the State. He was well read in his profession, took great pains in preparing his cases, and always argued them with great ability. He spoke well, fluently and logically, and his language was always chaste and correct. He was not a vehement or impassioned speaker, and never indulged in rhetorical displays, either at the bar or in the Legislature. His mind was essentially logical.

In 1836, I think it was, he was elected Speaker of the House of Representatives. Colonel Davie, Colonel McCord and Judge Wardlaw were all candidates for the Speaker's chair. There were twenty or thirty Union members of the House at that time, and we had a consultation as to whom we should cast our votes for Speaker. I urged the claims of Judge Wardlaw, and it was finally determined that we should all unite on him. This elected him. Never was there a presiding officer of that House who discharged the onerous duties of the chair with more ability, impartiality and dispatch, or more to the satisfaction of its members. He was courteous, dignified and prompt. No one understood parlimentary usages better than he did. Whilst Speaker he compiled a book of the rules for the government of the House. Judge Wardlaw was in no sense of the word a politician, but a statesman, wise and patriotic, governed by principle and the conviction of his own judgment. When he once took his position he was immovable. Neither popular clamor or party interest could swerve him. I remember, in 1860, when the revolutionary ball was set in motion, Judge Wardlaw saw the ruin and misery which would be the consequence to the State. There was a large and excited public meeting in Abbeville Court-house. He attended the meeting and addressed it. The friends of separate secession attempted to put him down and silence him by angry demonstrations. But boldly and unflinchingly he told them he would speak and portray the evils which they were about to bring on their country. Like a true patriot, he did all he could to prevent the issue; but when it was made, his duty and

love of country made him sustain it with all his power and influence.

As a judge he was eminent among his learned associates on the bench. I thought he was the model of a circuit judge. He was familiar with all of our statutes and the decisions of courts. He was also profoundly read in all of the law, of the common law, and well acquainted with the decisions of the English courts. On the bench he was patient, laborious, courteous and dignified. His opinions in the Court of Appeals, as reported in our law reports, are a monument of his learning, ability and research. Their language and style are eminently judicial, and if they have any fault, it may be that they are sometimes too prolix. But this was owing to his great anxiety to prevent any misconstruction of his views. I have seen him sit in our court very often from nine o'clock in the morning till ten, eleven and twelve o'clock at night, with only an intermission of one hour for dinner! A singular circumstance once happened whilst he was presiding at Anderson court, showing his sensibility to pain and suffering. A doctor was being examined as to some disease and wound. He minutely described the case, and Judge Wardlaw fainted on the bench whilst taking notes of the doctor's testimony.

Judge Wardlaw was a fine scholar, and his reading was very extensive. He was fond of polite literature, and read novels, poetry and reviews with great zest. Whilst on the circuit and traveling he had a singular propensity of sending to the hotel-keeper to send him a book to read, leaving the selection of the book to the taste of "mine host." He said it was amusing very often to see the selection made for him. I remember once adopting the Judge's suggestion out of curiosity, and the hotel-keeper sent me the Bible and Parry's Expedition in the Polar Seas. The Judge was a very pleasant and agreeable gentleman in conversation. He was fond of chatting with the members of the bar in the evening, and talked well. He enjoyed greatly a joke, and laughed over it heartily. In 1867 we were delgates to the Philadelphia convention and traveled together with a good many other gentlemen. The party enjoyed themselves as much, perhaps, as ever a party of gentlemen did in traveling by railway. In Philadelphia the Judge was robbed of his pocketbook and five hundred dollars in cash. We were getting on the street cars, and there was a great rush to mount the platform. A man standing

in the crowd said to the Judge: "Have you not been robbed of your pocketbook?" The Judge felt for his pocketbook, and sure enough it was gone. The man said: "There goes the fellow who, I think, took it." They went in pursuit of him, but he gave them the dodge. Very likely the man who was so kind in giving information was himself the thief.

In 1866, Judge Wardlaw, Judge Dawkins and the Honorable Alfred Huger were sent to Washington by the State convention to ask the release of Jefferson Davis. I gave him a letter of introduction to President Johnson. The Judge was very much pleased with the President. He told me that no stranger would have taken Johnson for a politician, that he had the appearance and manners of a student and literary man. Andrew Johnson was all his life a student, and he might be called a self-taught literary man, for he was well informed on most subjects and had read a great deal.

Judge Wardlaw compiled a very useful book on forms for the officers of court. His friends suggested him for the office of codifier of the statute laws of South Carolina, but he would not permit his name to be brought forward in competition with his lifelong friend, James L. Petigru, to whom the office was assigned by the Legislature. Mr. Petigru executed the work with great ability, and although the work was never adopted by the Legislature, yet it will remain forever a monument of the learning and ability of the author.

Judge Wardlaw married early in life a most beautiful and charming lady, who died many years since; but, true to his early love and devotion to the memory of his wife, he never sought to place another in her position.

Well may Abbeville be proud of her sons. Few districts in the State, if any, have produced such an array of talents as Abbeville. She gave birth to Calhoun, Cheves, Petigru, Chancellor Wardlaw, Judge Wardlaw, Governor Noble, Chancellor Bowie, and was the home of Mr. McDuffie from his boyhood. She likewise could once claim as her citizen William H. Crawford, the greatest of all Georgia's great statesmen.

When the venerable Chancellor DeSaussure resigned his office, on account of his years and infirmities, he presented his silk gown to Judge Wardlaw, who was then Speaker of the House of Representatives, and expressed a wish that he might be his suc-

cessor on the chancery bench. It was greatly to my interest, at that time, to have Judge Wardlaw elected and taken out of my way at the bar. I was on terms of great intimacy with him, and had the highest regard for his learning and talents. But I voted for Chancellor Dunkin, because I thought Charleston was entitled to have a chancellor, where most of the chancery business of the State was transacted. When Judge Gantt resigned, Judge Wardlaw was elected to fill his place on the law bench, without opposition, I think. Whilst Judge Wardlaw was on the bench the trustees of the South Carolina College had to elect a president of the college. In casting about for a suitable person I thought of Judge Wardlaw, and mentioned his name to others, who approved my selection. His pleasant manners, tact in governing, and scholarly attainments, were well suited to make him a popular president of the institution. I wrote him urging his acceptance of the position, but he promptly declined, and Judge Longstreet was elected.

TRIBUTE TO JUDGE ROBERT MUNRO.

In the Supreme Court, on Thursday, January 30, 1890, the following proceedings were had:

Mr. Robert W. Shand rose and said:

"May it please your Honors: By direction of the bar of Union, with which for many years I have been most closely identified, I beg leave to present to this Court the following preamble and resolutions, which, on motion of Colonel I. G. McKissick, were adopted by that bar at a meeting held in the summer of last year:

" 'Death has again entered our community and summoned hence an esteemed and honored member. On the 6th day of May, 1889, at his residence in the town of Union, the Hon. Robert Munro departed this life in the ninety-third year of his age. Judge Munro was born in Charleston, South Carolina, August 19, 1796. He received his education in Scotland, the former home of his parents. He served the merchant marine service during his youth. His vessel was so near that he heard distinctly the battle of Waterloo. During this service he visited nearly all the ports of the world. He was admitted to the bar in 1823, and almost immediately acquired and preserved for thirty years a large and lucrative practice. He represented his district in the State Senate for some years.

" 'In 1853 he was elected one of the circuit judges for the State of South Carolina, and continued to hold that honorable position until the days of reconstruction, when all the judges were deposed. From that time until his death he practiced law at Union Courthouse, in copartnership with his son, the Hon. William Munro.

" 'Such is a brief outline of the history of the deceased. It is difficult to do justice in a brief space to the many noble qualities which adorn his character and illustrate his life. As a citizen he was exemplary, and as judge he was upright, conscientious and impartial. In all the relations of life he strove to do his duty. His mind was naturally clear and strong, and had been improved by study and cultivation. These advantages of themselves are sufficient to make a successful lawyer, but in other respects his mind was eminently fitted for the profession of his choice, and gave him deservedly a high reputation all over our State. In commemorating the virtues of our departed friend there is another quality which marked his character, and which, in its highest manifestation, is as rare as it is honorable—that is, an

honest independence of mind in forming and maintaining his opinions and in expressing them on all proper occasions. In paying our last tribute to our departed friend we may truly say that he lived the life of a noble gentleman and died the death of an humble Christian. As a mark of our respect for the character and memory of the deceased, be it

"'*Resolved*, That in the death of Judge Munro our community has sustained a loss that cannot be filled, the bar has lost one of its most honest and upright members, and the State of South Carolina one of its highest ornaments.

"'2d. That we respectfully tender our sincere condolence to the bereaved members of his family, and assure them of our sympathy.

"'3d. That these proceedings be presented to the presiding judge at the next term of the circuit court, with the request that the same be entered upon the minutes of the court and a blank page be inscribed to his memory, and that a copy be also presented to the Supreme Court of this State, with a request that a minute thereof be there made.

"'4th. That a copy of this preamble and these resolutions be transmitted to the family of the deceased.'

"May it please your Honors: I esteem it a great privilege to present to this Court the resolutions of the Union bar passed in memory of the distinguished jurist who lived in Union for the last twenty years of his very long life. In this, the last decade of the nineteenth century, I am offering tribute over the still fresh grave of one who was born in the eighteenth century. And this long life was despoiled by not one single stain. His closest friend, his dearest relative can recall no act of his which they are unwilling now to remember. His was that most beautiful of all character—manliness and integrity combined. High in his estimate of honesty and all virtues, high in his idea of honor, he lived his life up to the very point that he demanded of other men. It is a sweet heritage he has left to those who bear his name, and a precious memory to those who were permitted to call him friend.

"But in this tribunal, of which he himself was once a member, I must speak of him as a lawyer and a judge. Judge Munro was born in Charleston in 1796, but he was educated in Scotland (whence his parents came) at the old and famous school at St. Andrew's, in Fifeshire. His early life was spent upon the sea, and his voyages to many lands in both hemispheres and on both

sides of the equator, his knowledge of people in all this world, the immediate action requisite to the preservation of life and property in the perils of wind and storm, of reefs and bars, on the mighty ocean, gave to him a breadth of mind and promptness to seize opportunities that helped to make him a great lawyer in his later days. His intellect, however, demanded higher fields than are available to the sailor. In 1823, in his own native city, he was enrolled as an attorney-at-law. He was located at Conwayboro, and soon took rank among the leading practitioners of the Eastern Circuit. His abilities induced his fellow-citizens to send him to the State Senate, but his tastes were not political, and this was his only political office. His practice was large and lucrative, and his knowledge of the underlying principles of the law, obtained by close study and more especially by the law of real estate and of the rules and principles of real actions, extended his practice, particularly in actions of trespass to try title (then of frequent occurrence), to other neighboring counties, and finally induced his removal to Marion as a more central and convenient point.

"A growing family suggested still another move, one which his then established reputation made him feel that he took without risk to his name—he made his home and opened his law office in Charleston. At once he took his place among the foremost great lawyers of that city at that day, and by the voice of Charleston's bar was elected by the Legislature, in December, 1853, a law judge of South Carolina. He thus became what we would now call a circuit judge, and also an Associate Justice of the Supreme Court, for the judges who held the Courts of Common Pleas and General Sessions met then at the end of their terms and together constituted the Law Court of Appeals. His opinions in that court, from Prince *vs.* Cameron, in 7th Richardson, to Simons *vs.* Fort, in 12th Richardson, show a terseness and a strength that would do the highest credit to any judge in any age, while his dissenting opinions display the boldness of a judge who was always willing to sacrifice the absurd technicalities of the common law to the manifest justice of the case, where it could be done without affecting vested rights of property.

"In December, 1859, the separate Court of Appeals of law and equity was established, and his seniors on the bench were chosen to constitute it. From that time until 1868 he continued to be a

law judge, conscientiously, ably and satisfactorily discharging his circuit duties and occasionally sitting in the court of last resort when resolved into a Court of Errors.

"Elected a judge for life on good behavior, he was legislated out of office in 1868 by the reconstruction convention, without a suspicion attaching to either his integrity or his ability. Before that time he had sought a quiet home in the suburbs of Anderson, the necessity of again making his living suggested the last move of his life; he became a citizen of Union and law partner of his son, the present distinguished State Senator from Union county, and such he continued until he died. The physical infirmities of old age, however, prevented him from taking any active part in litigation for several of his latest years, his last appearance in public, if I am not mistaken, being his argument in this Court in the case of Scaife *vs.* Thomson, at November term, 1880.

"But up to his last illness his mind was clear and strong, and his advice sought after and valued. In his last days he enjoyed the 'blest retirement, friend to life's decline,' that many years of active labor and duty nobly done so richly deserved, with all his surviving children living in the same community with him, and following by only three years the true woman who had been his loving wife for much more than half a century.

'How blest is he who crowns in shades like these
A youth of labor with an age of ease.
* * * * * * * * * *
But on he moves to meet his latter end,
Angels around befriending virtue's friend.
Sinks to the grave with unperceived decay,
While resignation gently slopes the way,
And all his prospects brightening to the last,
His heaven commences ere the world be past.'

"It is more than forty years since Judge Robert Munro ceased to be a member of the Court which your Honors now constitute. Of those who were then judges and chancellors in this State, he was the last survivor. It is fitting that the request of the Union bar should be granted, and in their name, and as a friend of this distinguished judge, I ask that a minute be here made of these proceedings."

Mr. LeRoy F. Youmans seconded this tribute of respect in his usual eloquent way, and at the conclusion of his classic eulogy, Mr. Chief Justice Simpson said:

"The Court joins very sincerely with the bar in the proceedings just had in memory of the distinguished deceased, Judge Munro. It is true that his death was not unexpected, yet when it came it came with a shock to the whole State, for he was well known and admired all over South Carolina. And although for several years immediately preceding his death he had retired to a great extent from the public gaze, remaining at home quietly awaiting that last summons which was to call him to join his brethren of the bench in that spirit land to which they have all gone before him (and what a reunion of noble spirits when he, the last one, crossed over!); yet for many years before his retirement he had been a striking character in the State, as a citizen, as a lawyer, and, lastly, as a distinguished judicial magistrate, and notwithstanding his retirement, he had not been forgotten, and his death cast a gloom over the whole State.

"I regret that I am not prepared at this time to pronounce that eulogium upon his character which it so eminently deserves, but I have not been able, since I was informed that this proceeding would be had, to call up the events of his life to that end. And, under these circumstances, any effort of mine in that direction would but mar the beauty of that life. I shall not, therefore, attempt it. I can say, however, what all know, that for many years of his public life he belonged to that galaxy of distinguished judges who did so much before the war to build up and elevate the judicial character of our State. He not only belonged to that noble body, but he was a coworker with them, and he aided in erecting that splendid legal monument which they and he built, and of which our people were so proud before the war, and he did his work well and his name will go down to posterity hallowed and embalmed for all time in the hearts of the bar of this State. I can say, further, that during his life he had drawn around himself the love and personal esteem of the profession to an extent equal, if not superior, to any of his brethren. This grew out of the frank unostentation, above other characteristics, which marked his life and intercourse with the members of the bar, and which was so magnetic in attracting the esteem of all with whom he was brought. It has been the custom among some people and in some places to erect material monuments to departed greatness and worth. But Judge Munro needs no monument of this kind to perpetuate his memory, because our

State Reports, in which will be found displayed his eminent judicial attainments and qualifications, will keep his name fresh and his grave green as long as courts are held and justice is administered in this State—more lasting, I hope, than dissolving brass and crumbling marble.

"He was the last link that bound the present to the past—the judiciary of this day to that which existed before the war. That link has been broken and that tie severed by his death, and there is no longer any visible connection between the two. Yet his example and that of his noble compeers still lives, over and above us, wooing us to tread the pathway which they trod, and which, in his and their day, led to the highest honor and safety of the State. Oh, that we of this day may emulate that example and follow their footsteps, adding fresh laurels to the glory of our beloved State, enabled thereby to preserve it as they left it—bright and untarnished.

"The Court fully endorses what has been so fully said by the gentlemen who have spoken.

"And your motion, Mr. Shand, is granted. Let the resolutions be inscribed on the minutes of the Court.

THOMAS J. WITHERS.

No adequate memoir of Judge Withers could be prepared except by one of his contemporaries, and of such few or none survive. The ransacking of his home by the invader during the Civil War left but a fragment of his large collection of documents, which would have illustrated his life and times, judging from the remnants rescued. Now, nigh half a century after the calamities of war and the night of reconstruction, there is a rising interest in the notable names of the past generation, but the task of securing data concerning them has become doubly difficult. Of these names, none better deserves memorial or will better bear scrutiny than that of Judge Withers. For a career must be valued as it affords incentive towards virtue, and it is recognized that his was exemplary, not merely of successful talent and industry, but of elevated integrity and rectitude.

Thomas Jefferson Withers was born in 1804, in York county, at Ebenezer, about three miles from the present town of Rock Hill. His father, Randolph Withers, and his mother, a Bailey, both of Revolutionary stock, came from Virginia and settled at Ebenezer, where they became prosperous and reared a family of nine children, all of whom received a liberal education. Thomas, the subject of this sketch, was the eldest. As a boy he attended an excellent academy at Ebenezer, and prepared for college in Yorkville. He entered the South Carolina College, graduating in 1828. The same year he took charge as editor of the "Telescope," a paper published at Columbia, then an important journal and exponent of the Radical anti-tariff party, later known as Nullifiers. This position he filled for two years and a half, a period the most acrimonious, perhaps, in the annals of the State, and, youthful as he was, manifested a brilliant capacity in controversy with the strong men of that day. Meanwhile he prepared himself for the bar.

At the time of this editorial venture there began an intimate friendship and confidential correspondence between him and Stephen D. Miller. Part of this correspondence, covering the period of Miller's terms as Governor and United States Senator, has been preserved and reveals the inside politics of those fierce

Nullification contests. Some of these letters would well be worth publication, but we can here present but a brief extract from one by Withers, as manifestation of his early mental and moral stamina. The selection is made much at random out of quite a mass, all written under the seal of a close friendship and not for public effect. Shortly after assuming the "Telescope" he writes as follows:

Columbia, S. C., August 16, 1828.

Stephen D. Miller, Esq.:

I think my relation to the "Telescope," of which I have been editor for a few weeks past, may render some reply to a suggestion which we lately received from you agreeable.

You have probably observed a hasty sketch of the principles which I lay down for myself in this my new capacity published in a late number of the "Telescope." I know you will approve the doctrines themselves, however you may esteem the ingenuity, industry or ability with which they may be advocated. I believe they have long been the landmarks of your own career, and for myself I cannot but rejoice that there is a coincidence of views between us. I have delivered entirely and solely *my own* sentiments, without advice or consultation with any human being. * * * The paper will not forego its radical propensities, but must henceforth speak *editorially* my own language only. Better that the editorial head be consistent, though weak, than variable and ever so energetic. A committee of gentlemen will scarcely manage the affair successfully and usefully. I am entirely open to *advice*—not at all to order.

I saw a sentence or two of your letter to McCord. There is a feeling among the remnant of the Calhoun party to foist James Hamilton, Jr., to the executive trust. I know but little of his history, except that I have the impression that he was lashed into Radicalism by the strong and unexpected current of public feeling here.

Yes, sir, if circumstances (and you and your friends must judge) require the use of our columns, they will be yielded to any reasonable extent, but I would not choose to enlist the paper in the contest for Governor at all. It has been unusual heretofore, I believe, to canvass for Governor in the newspapers, but it is perhaps most likely that the present occasion will furnish an exception.

I did not publish my name as editor, not for the purpose of avoiding responsibility, but because I thought the signature of so young a man, and one so little known, would detract from the prospects of the establishment.

I am, sir, your friend, T. J. Withers.

In the early part of 1829, Withers made the long stage-coach journey to the capital at Washington as bearer of the resolutions and memorial to Congress of the South Carolina Legislature of 1828 against the tariff. From here he writes to Governor Miller interesting interviews with public men of the day, among them Governor Giles, of Virginia, Senators Hayne and Smith. In 1830, Miller was elected United States Senator in place of the veteran Judge William Smith, and up to the time of his resignation, in 1833, kept up the confidential correspondence with his young friend Withers, who, in 1831, having finished his legal studies, gave up the "Telescope" and moved to Camden, where in May of that year he married Elizabeth Boykin, a sister of Senator Miller's wife.

In 1832 he contested for the solicitorship and was elected over Dargan, afterwards chancellor. In this position he displayed exceptional talent and acquired a training which equipped him for a large and remunerative general practice at the bar. Although in succeeding years many opportunities for embarking on a political career were presented, he constantly rejected them and applied himself with immense industry and great success to his profession. However, on the occasions of meetings in Camden to consider public questions he was almost always present and very pronounced and effective in the expression of his views.

In December, 1846, he was elected one of the common law judges and a member of the Court of Appeals. This post he filled for twenty years—until his death. It will suffice here to refer to his opinions occupying a place among the classics of the South Carolina bench. As a sample may be mentioned his opinion in the case of the State *vs.* Starke, 1 Strob. Law, 504.

Although upon the bench during the fiery contest waged in 1861 for the separate secession of South Carolina, he was summoned by committees to address public gatherings in all sections of the State. These invitations he declined as inconsistent with his judicial duties, but on most occasions wrote letters setting forth his views. From his reply to the committee of Edgefield county the following extract is given as typical:

"Gentlemen: If I felt at liberty to participate in debating the great question of the day, I know not where I should seek an audience more to my mind than one composed of the citizens of Edgefield; for, although I repudiate the tricks of adulation

towards individuals or communities, I am nevertheless impelled, by all that I know of your people, to acknowledge and declare that I entertain a very favorable opinion of that manly spirit and intelligence which pervade the general population of Edgefield, and which alone will ever lead a people to independence of judgment and inspire them with a love of truth and an intrepidity in following its lead. I have not forgotten the manifestation of such qualities, and the admiration of them in others, which you of Edgefield have heretofore given, in the rare steadfastness with which you adhered to your brilliant representative, the late Mr. McDuffie, though he differed from you on more than one question of gravity. By that passage in your career you testified that you admired genuine talent, adorned by virtuous intrepidity in public station; that you would neither cramp the free energies of a great and bold intellect by putting upon it shackles simply because you had the power, nor, with the fickleness of children or the envy of fools, cast into the rubbish a sharp-edged jewel because you might be tempted by the smoother surface or the mere tawdry setting of *pinchback*. Now is the time to show forth such excellent qualities in bolder relief. * * *

"You ask my views 'on the great questions that now agitate the State, and especially on the dangers and difficulties which must necessarily attend separate State secession.' * * *

"Allow me to invite your attention to what I have said to the people of Greenville, of York, and of Darlington, as comprising what I believe touching the matter you suggest. My letters addressed to committees in those several districts have been published; they contain my true sentiments, in language which I hope is undisguised and intelligible, and will exhibit, more at large than is possible for this occasion, the advice which, when asked for it and in all modesty, I would fain give to the people of this State. The true question for us is, how shall we sustain African slavery in South Carolina from a series of annoying attacks, attended by incidental consequences that I shrink from depicting, and finally from utter abolition? That is the problem before us—the naked and true point."

When, in 1861, the avalanche of secession fell, he could no longer resist an active part in the movement, which was entirely in line with his intense Southern sentiment. He, with Joseph B. Kershaw and James Chesnut, as delegates from Kershaw district, attended the secession convention, and those three names appear among the signers of the ordinance. At this convention he was chairman of the committee on "Relations with Other Slave States," and kept minutes of the proceedings of this committee in his own hand, still preserved.

By the secession convention he was elected one of the South Carolina delegation of six to the provisional congress of the Confederacy, held at Montgomery, Alabama, by which the Confederate constitution and government were organized. Dr. Curry, in his work on this congress, has cited Judge Withers as one of its leading men. In the debates he took a prominent part, and carefully abbreviated reports of some of these still survive. As it is in our power to exhibit Judge Withers only as he has depicted himself in his writings, an extract is here presented from his argument in this congress with Robert Toombs on the proposition to give the members of the Confederate cabinet a seat in Congress:

FROM MONTGOMERY DEBATES.

"*Mr. Toombs* offered an amendment to Clause 2 of Section 6, Article I, to the effect that *after* the President appointed the head of a department, such head should be a member of either House of Congress, provided he was elected as such by the proper constituent power.

"*Mr. Withers*, of South Carolina, opposed it. He declared, in unaffected sincerity, that he lamented so frequent a conflict of opinion between himself and the distinguished gentleman from Georgia,—distinguished not merely or mainly by the *imprimatur* of the President, who had inducted the gentleman into what would be called in England the Premiership, but rather by his acknowledged natural powers of intellect and the embellishment that culture and experience had bestowed on them. But this was a free conference; no man was excusable, *in foro conscientiae*, or before his constituents, or his country, in hiding his light (though it be a farthing candle) under a bushel.

"The gentleman had drawn many observations from the ample fund of a Washington experience; in that species of knowledge Mr. W. was deplorably deficient; he had advised Congress, on former occasions, with a proper sense of shame, that he had no odor of nationality, no breadth of fame; he had been, at the best, but a 'looker on in Vienna,' with rather a dull vision, too. But when the gentleman discoursed, historically, of and concerning the remarkable fortune of many Presidents—misfortune it should be called—from Polk inclusive, to-wit, that they found themselves in a minority upon meeting the second Congress of their respective terms, and when he attributed this remarkable development, as he considered it (repeated, too, by him for the second time in our debates), to the absence of cabinet officers from the floors of Congress, was it certain that he had not been oblivious of the logical admonition, not to confound the *post hoc* with the *propter*

hoc? He found Presidents had drifted into a minority in the second Congress of their terms. He found they were not represented by a cabinet minister, one or more, on the floors of the legislative bodies, or either of them. Ergo, says he, the President fell into that pit, so horrible to a President, a minority. Where was the evidence revealing the line of cause and effect between these events? There was a sequence; what other connection had been shown? Mr. Withers would venture to refresh the memory of the distinguished gentleman as to what he must also have observed at Washington (and he would be happy to think it had been and was confined to Washington), to-wit, that when the dispenser of the spoils began his career—when the lord of the flesh-pots of Washington had begun to administer to the appetites of his followers—he always found that only so many guests could be seated at his table, and that, as if by magic, every crumb had been appropriated and swallowed. To his consternation, he saw yet an army of hungry wolves yelping and ferocious for coveted baits; he saw crowds of eager vultures flocking to hunt for the consumed carcass. How could he be otherwise than appalled? How could he escape being overlaid and smothered in the course of two years of such horrible persecution and purgatory? His original opponents need strike no blow—his followers would do the work—for the simple reason that he could fill fewer than he must leave empty, and the numbers of the latter were magnified in proportion as the camp-followers were more numerous, and the disappointed friends were fiercer than original enemies, because they were spurred on to the attack by the very sense of disappointment and the disgust which ingratitude inspires. Surely, then, it is not surprising that by the time the second Congress assembled such busy patriots should be found enlisted under a new and unfriendly banner. Does the gentleman think that cabinet ministers, though in full blast upon the floors of Congress, could counteract, or modify, a course of events so inexorable—flowing from causes as enduring as corrupt human nature itself? If, then, we have found a cause adequate to produce a result, it satisfies the teachings of sound philosophy, and we need explore mysteries no farther.

"My friend from Georgia will observe, too, that he cuts up all hope for my advancement in South Carolina to the Federal purple. Suppose the devil should whisper into my ears the fatal suggestion that I ought to illustrate my name in the annals of the Federal Senate (may God protect me against such a calamity) —what chance, I ask, could I have against my distinguished colleague, who sits in my rear, the Secretary of the Treasury? I am supposing, of course, for my illustration, that we were, as Democrats, on a dead level at home (though everybody knows that he is a head and shoulders above me there, as he is here). Now, is it not manifest that if we approach the Legislature, he

with the *imprimatur* of a popular President in his hand, and I but a *dead level Democrat*, that I should be utterly exploded, and my young visions of political glory 'vanish into thin air'? (Mr. Memminger and others smiled.) That will never be my case, in this forum—it may be somebody else's.

"It will be thus seen why I am earnestly opposed to this projected amendment.

"Subsequently, Mr. Toombs withdrew his proposed amendment."

After the Montgomery congress he returned to his home at Camden and his duties on the bench, in no wise, it would seem, fascinated by his political experiences, for he writes to Governor B. F. Perry: "I am not in the ways of tough politicians, and you know it is hard to teach an old monkey new tricks. My place is about the hearth-stone, as I think, and strongly suspect my colleagues in political adventures will give the same testimony."

To the cause of the Confederacy he contributed a great part of his accumulated means, and most of the balance was swept away in the final wreck. His home was ravaged by the invading troops and his household subjected to rude treatment. Unbent, but broken by the stress of public calamities and domestic bereavements, he passed away in November, 1866, in his sixty-second year, with his faculties in full vigor.

One more extract is here presented from a letter of his to General James Chesnut, as an index of his mind:

To GENERAL JAMES CHESNUT.

August 4, 1856.

My Dear Sir: Your reply to me was duly received, and I expected to provoke a further reciprocation epistolary by prompt writing; but, like many greater men, I have had the misfortune to suffer an attack a' tergo. I am yet disabled. I have not been out of the prison of my four-acre limits for more than two weeks. I could have enlarged my motions, but have not felt the inclination. One who knows how little I depend upon the exchange of language for my means of making life tolerable will not be surprised to hear that this solitude, or, rather, this exclusion from the outer world, has worked no punishment—that I am content to hear my dead companions through their books, or indulge my reveries in view of my black-jacks (more euphoniously called *quercus ferruginus*).

Meantime I have finished the oration of Cicero for Milo (who was charged with murder), having piloted Tom through it, and have read two of his four speeches against Cataline. Life, immortality, soul, eternal punishment of the wicked, the admission of the good into Heaven (which the Greeks call the Milky Way, says Cicero), the origin of the world, and of the soul from the divine power of Almighty God (Jupiter) and His providence, are ideas distinctly set forth by Cicero, as proved in the last sentence of his first oration against Cataline, a passage of a letter to Appius ("as for me, I must think of the life to come, and no more of this short and fleeting existence,") and that celebrated passage in "De Republica," the last dream of Scipio, the younger. When we discover these doctrines in Cicero, and find Plato furnished the Logos *eo nomine*, and suggested two other forms of manifestation employed by his Deity, can an honest mind refuse these "heathens" a just praise for helping us to the theory of our religion?

As stated at the inception of this imperfect sketch, only a contemporary could adequately portray Judge Withers, for in his presence, it has been said by those who knew him, lay much of his power. In cold print the style of delivery is lost. The writer can speak of his personality only from boyhood impression, but distinctly recalls his imposing and erect bearing, chiseled features, incisive, yet withal benign, expression.

In summing up an estimate of Judge Withers, we shall quote a high authority in the following words of Governor B. F. Perry, found in his published Reminiscences:

"Judge Withers was a man of distinguished talent and ability. He was always able, clear and learned. On the circuit he despatched business with great promptness, and his opinions in the Court of Appeals will compare well with those of any other judge. There was great force and power in his style. His intellect was keen as a Damascus blade, and he wielded it on all occasions, public and private, most effectively. Every word that fell from his lips had a telling effect. No one was ever left in doubt as to his meaning when he discussed a question. He was very sarcastic and bitter in his denunciation of men and measures. No one ever possessed less of the demagogue than Judge Withers, no one ever more conscientiously did what he thought was right. He was as open as the day, and if he disliked any one he showed it in a manner not to be mistaken. Frankness was his character."

Church in which Judge A. P. Aldrich was holding Court, at Barnwell, S. C., when General Canby, U. S. A., closed the Court.

JUDGE A. P. ALDRICH.

Alfred Proctor Aldrich was born in Charleston, South Carolina, June 14, 1814, and died in Barnwell, February 12, 1897.

Educated at the College of Charleston, he was admitted to the bar in 1835. He removed to Barnwell, and was shortly afterwards elected commissioner in equity for that district.

He served in the Seminole War on the staff of Colonel Brisbane. On his return from Florida he married the gifted and beautiful Martha Ayer, daughter of the Honorable Lewis M. Ayer, a wealthy planter of Barnwell district, who was for thirty years one of its representatives in the State Legislature.

In 1856 he was elected to a seat in the House of Representatives, and served continuously in that body until in 1865 he was elected to the bench. He was elected Speaker of the House in 1862, and again in 1865, resigning his seat to take the office of circuit judge under the constitution adopted in the latter year.

After the withdrawal of South Carolina from the Union he was sent as a commissioner to the State of Missouri to lay before its Legislature the cause of secession and the reasons for prompt action on the part of all the Southern States. His presentation of the subject was said at the time to have contributed largely to the spirit and action of the States' rights element in Missouri.

On the staff of General M. L. Bonham, Colonel Aldrich went to Virginia with the first body of troops from South Carolina, and remained in active service until after the battle of Manassas. When General Bonham was elected Governor, Colonel Aldrich was attached to the staff of General Maxcy Gregg, and served thus until injured in a railroad accident, which disabled him from further service in the field.

He was in close touch with Governor Magrath, that distinguished executive seeking his counsel and assistance in the very grave conditions then existing in South Carolina and in the entire Confederate States.

The war over, he was among those chosen to frame a new constitution for South Carolina, being a member of the State convention of 1865.

In 1866, Judge Aldrich had a clash with the military authority of the United States. Having sentenced a white man convicted of larceny to be whipped according to law, he was summoned to the headquarters of Brigadier-General Bennett, the Federal officer commanding in Charleston, where the Judge was then holding court. Declining to attend, but courteously informing the General of his readiness to see him at his hotel, he was next called on by an officer, under whose escort he was taken into the General's presence. There was quite a discussion, Judge Aldrich plainly stating his inability to alter the sentence imposed, and his determination to stand by the constitution and laws of South Carolina. General Sickles, commanding the department which included South Carolina, sustained General Bennett, and the convict went unpunished. Judge Aldrich thereupon declared that he could not hold court while his judgments could be summarily set aside by a military officer. There was afterwards an "adjustment" between the State authorities and the military commander, under which it was arranged that the law as to colored people should be amended, that corporal punishment should be abolished, and that the military should not interfere with the courts. Judge Aldrich then resumed the bench and continued in the discharge of his duties until he was again interfered with by the military power.

Brigadier-General E. R. S. Canby, commander of the second military district under the reconstruction acts of Congress, issued an order which in effect required that negroes, without regard to any qualifications whatever, should be put on the jury lists, so as to be drawn on the grand and petit juries. At the first opportunity—when he held court at Edgefield in the fall of 1867—Judge Aldrich in his charge to the grand jury reviewed General Canby's order and declared that he could not and would not obey it, though disobedience he knew involved the surrender of his office. On going to Barnwell some days later, to hold court there, he was served with an order of General Canby, suspending him from the judgeship to which he had been elected by the Legislature acting in obedience to the mandate of the constitution. Having gathered the purport of the order, he repaired to the church used as a place for holding court (the court-house having been burnt by Sherman's soldiers), put on his gown, ascended to the pulpit and took his seat. First relating the

circumstances of General Bennett's interference, he then read General Canby's order purporting to suspend him from office. First declaring his purpose to yield promptly to the command of a military officer, whom to resist or even disregard was impossible, the Judge then spoke as follows:

"Gentlemen of the juries, for the present farewell! But if God spares my life I will yet preside in this court, a South Carolina judge whose ermine is unstained.

"My brethren of the bar, be patient, be loyal to the constitution, be true to yourselves.

"Mr. Clerk, as I am not permitted to perform any judicial act, you and the sheriff will issue to the jurors their pay certificates as if the judge had not attended.

"Mr. Sheriff, let the court stand adjourned while the voice of justice is stifled."

Taking off his gown, he laid it, solemnly and sadly, on the desk before him, and, descending the pulpit steps, walked out of the church, the large crowd therein rising as he approached and standing till he had left the building. There were like marks of respect and approval from the people outside. It is related that even the negro company of United States soldiers that had been assembled near the church made respectful salutations as he passed them.

Shortly after this occurrence—really one of the most striking in American history—Judge Aldrich was formally removed by General Canby, who appointed in his place Mr. Zephaniah Platt, a Northern man then wintering at Aiken.

After Judge Aldrich's death the Wade Hampton Chapter of the Daughters of the Confederacy requested of his family the custody of the gown which he had worn when deposed from the bench at the point of the bayonet. It hangs in the chapter's relic room in the State House.

After the final action of General Canby, Judge Aldrich practiced his profession in Augusta, Georgia, first alone and then in partnership with Colonel H. D. D. Twiggs, afterwards a judge of the Superior Court.

Retaining his citizenship in South Carolina, he continued to take an active interest in matters affecting the people then suffering under the yoke of negro domination. He was a member of the taxpayers' convention of 1874, called to consider the then

condition of affairs and to organize the taxpaying citizens so as to enable them to resist the oppressions of the negro government, its exactions having already reached well-nigh to confiscation. In the deliberations of that body, and in the work of its committees during and after its sittings Judge Aldrich bore an active and useful part.

The action of the negro Legislature, in December, 1875, in electing the negro Whipper and the notorious F. J. Moses, Jr., to the circuit bench, aroused indignation and disgust all over South Carolina—and, indeed, wherever that action was known and understood. Public meetings were held in the different counties of the circuits in which these newly chosen judges were to preside. The meeting at Barnwell was notable for the plainness with which the white people's spokesmen there assembled expressed their condemnation of the course taken by the Legislature, in disregard of every obligation resting upon its members. Among the most effective speeches was that of Judge Aldrich.

The death of Chief Justice Moses, in 1877, devolved upon the Legislature the duty of filling the unexpired term. Governor Hampton's desire that Associate Justice Willard should be promoted was shared by many good and true Democrats in every section of the State. The opposition, nevertheless, was strong and active. Judge Aldrich had been proposed by that gallant soldier and faithful citizen, General M. W. Gary, and the suggestion met with much favor. When the contest was at its height, and when it seemed to threaten a hurtful division among the Democratic members of the General Assembly, Judge Aldrich telegraphed his son, then a member of the House: "I am deeply grateful to General Gary and other friends, but for the good of the State withdraw my name." Judge Willard was elected, though only after a hard fight in the Democratic caucus.

Under the "joint resolution providing a mode of ascertaining the debt of the State and liquidating and settling the same," there was established a court of claims, charged with the difficult and delicate task of adjudicating questions upon which the white people of the State were seriously divided. The court thus created was composed of Judges A. P. Aldrich, J. H. Hudson, and Thomas Thomson—Judge Aldrich being chosen president. There was full argument by eminent lawyers, and each of the judges wrote an exhaustive opinion. The matters determined

were taken by appeal to the Supreme Court, and the judgment of that tribunal of last resort settled the debt question—settled a controversy which, as before stated, threatened to distract, if not divide, the white people of the State. In January, 1878, Judge Aldrich was elected to the judgeship of the second circuit, displacing Judge Wiggin, who was among the circuit judges whose election the Supreme Court had held void because the vote had been taken *viva voce*, and not by ballot, as the constitution required. Thus was verified Judge Aldrich's defiant prediction, uttered when the Federal soldier forced him to lay aside his robe of office. Reëlected for a second and a third term, he then retired to private life.

On the death of Judge Aldrich appropriate resolutions were adopted by the Barnwell bar. In the Supreme Court, at the spring term, 1897, Mr. Joseph J. Brown, in presenting these resolutions, spoke as follows:

"May it please your Honors: In obedience to the request of the Barnwell bar, I announce to the Court the sad fact that Alfred P. Aldrich, lately judge of the second circuit, is no more.

"He died at his home just beyond the limits of the town of Barnwell, on Friday, the 12th day of February, 1897, at the ripe age of eighty-two years.

"I have been requested, also, to present to the Court the following preamble and resolutions adopted by the bar expressive of the esteem in which he was held and the high appreciation of his virtue and character; and to ask that they be inscribed on a blank page of the Court journal, to be set aside for that purpose in honor to his memory and distinguished services to his country:

"'Alfred P. Aldrich, the last of the judges of the old regime in South Carolina, died at his home near Barnwell on the 12th day of February, 1897. A lawyer, soldier, legislator and judge in his time, with many honors and distinctions clustering around each character he bore, a patriot unswerving in his fidelity and devoted to his trusts, a citizen honored by his people, and in turn adding luster to the honors bestowed, with eminent talents, strong common sense, polished and embellished by study and training, a heart imbued with kindness and courtesy to his fellow-men, with attractions and characteristics in conversation and manners, and with eloquence, fervor, grace and equipoise as a speaker. Now that in old and honored age he doffs the armor of life to put on immortality, it is fitting that we, his juniors in his chosen

profession and friends and admirers in life, do mark the epoch in our history whereby we derive a sadly pleasing solace to our sorrow, and point the coming generations to the manhood, courage, fidelity and talents of a great character now gone, but leaving his footprints on the path of honor as an exemplar for their inspiration and encouragement. Therefore,

"'*Resolved:*

"'1. That the death of Judge Aldrich removed one of the brightest and grandest characters of our times from our midst.

"'2. That we commend the example of his courage and patriotism to each one who aspires to have his countrymen honor him in life and value his memory at its close.

"'3. That our sorrow and sympathies go out to the greater grief of his family and are extended to them.

"'4. That this preamble and these resolutions be formally presented by the chairman of this meeting to the presiding judge of the circuit court, with the request that they be entered on a blank page of the journal of said court, and that the chairman of this meeting also present a copy of the preamble and resolutions to the Supreme Court of this State at its next session, with the request that the same be spread on the journal of said court.

"'5. That the proceedings of this meeting be published in the county and daily papers of the State, and copies of the same engrossed and presented to his family by the secretary of this meeting.

"'6. That as a further mark of honor to the distinguished dead, his Honor, the presiding Judge of this circuit, be requested to have the staves of the Court draped in mourning, and this Court be now adjourned.'

"In presenting these resolutions, I can add but little to what has already been so well said and written in all parts of the State on the life and character of our departed friend and brother; but I would not restrain the impulse to pay humble and loving tribute to him with whom I have been associated from my early manhood to the day of his death, the high qualities of whose head and heart won and retained my greatest respect and admiration.

"I knew him while achieving the great reputation which easily placed him as the foremost forensic orator and advocate in the State; when the hall and galleries of the court-house at Barnwell teemed and thronged with the people of the town and country to hear him in the great State trials in which from time to time he was engaged. When his handsome, prepossessing face, his perfect figure in perfect dress, his long hair falling in glossy curls on his

broad shoulders, his easy and graceful bearing, and his fascinating presence and personality, secured at once for himself and for his clients the interest and sympathy of his audience. And when the great power of his sweet voice expanded and filled and pervaded the vast hall, every thought and feeling of the multitude was swayed into harmony, and involuntarily went along with its passionate and persuasive utterances.

"The phases of his eventful life and career illustrate virtues of a heroic and classic order. As a leader, both in local and State politics, he was a tried and true friend of the people. The governing principle of his leadership was to subserve and maintain the interest and welfare of his people, which he ever kept close to his heart; but he obeyed the behests of his strong convictions without regard to personal consequences, and under the most perplexing conditions his superb moral courage never wavered save when there was danger of being misunderstood.

"In 1861, when the booming of the guns in the harbor of Charleston announced that South Carolina would submit her demands to the dread arbitrament of war, he essayed to make his way to the front, and but for a painful and disabling railroad accident would have added fresh laurels to those which as a young man he had won on other fields.

"Unable thenceforth to render physical service to his country, he sat in the councils of those entrusted with the destiny of the commonwealth, where the contributions of his wisdom and experience were always accepted and valued; and his labors and sacrifices for his beloved State only ceased when the banner of the Southern cause was furled forever.

"As a lawyer he gave studious and careful attention to the preparation of his important trials. He ingeniously arranged and classified the facts and the law for appropriate service, and he used each as a skillful Indian would the select arrows from his quiver, at the right time and in the right place. His action and his appearance gave great dramatic force to his fervid eloquence, and although he contended in that day with giants eager to counteract the effect of his wondrous powers, it was seldom that a jury failed to surrender to his powerful appeals and the ill-concealed emotions of surrounding hearers. He contended for the rights of his clients always with marked zeal and ability, but he sought to win his causes on their true merits, set forth with

the utmost courtesy and fairness, thus compelling his successful opponent not infrequently to feel that he had won only half a victory.

"As a judge he preserved the dignity of his high office without the cold reserve which excluded him from contact with friend or stranger. He was always accessible, patient and considerate, and if the scales as held by him sometimes varied from their ordinary even-handedness, it was that simple justice might be measured to whom it belonged. When the iron heel of the military power was on the necks of his countrymen, and threatened interference with the sacred functions of the courts, and humiliation of the judiciary, he laid aside the official robe which he had worn without blemish, declaring that the time would come when he would wear it again; and in open court at Blackville he denounced Zephaniah Platt, appointed by General Canby to succeed him, as unworthy of the confidence of his people and unfit to administer justice in his proud old State.

"The character of Judge Aldrich in its lovable aspects was best seen at his home. His taste had beautified and embellished his elegant residence and made it preëminently a place of ease, comfort and rest. A vast and varied collection of rare and useful books filled the shelves of his extensive library. There in the midst of a large and interesting family he was a tender and loving husband, an amiable and affectionate parent. He dispensed a rich and refined hospitality, commending in his daily life the philosophy of Bolingbroke, by enjoying today so as to enjoy tomorrow, and revelling in the wealth of Hume by keeping the bright side of life towards himself, his family and his friends.

"His last days were spent under the shade of the oaks surrounding the home, and he passed away as gently as a shadow from the evening sky.

"Peace to his ashes."

Eloquent addresses were made by Mr. W. A. Holman and Mr. Carroll Simms in response to the resolutions.

JUDGE THOMAS WORTH GLOVER.

Tribute of Respect.

While the Supreme Court was in session, Tuesday, November 25, 1884, it being the first day of the November term, the Honorable Charles Richardson Miles, the Attorney-General, rose and said:

"May it please your Honors: Another link which bound the present to the past has been broken—the Honorable Thomas W. Glover, the last but one of the law judges of South Carolina under the constitution of 1790, has died since the last term of this Court. Judge Glover's connection with the legal profession extended over the unusually long period of sixty-six years. Admitted to the bar in 1818, he was at the time of his death the oldest surviving member of the bar of South Carolina. After thirty-four years of active and useful professional life he was elevated to the bench in 1852, and served most usefully, faithfully and acceptably until he was, under the constitution of 1868, deprived of the office which he was entitled to hold for life. Although he had then long passed the age at which men feel privileged to withdraw from the active pursuits of life, he immediately resumed the active practice of his profession with intellect undimmed and vigor undaunted until the year 1878, when he was appointed master for Orangeburg county, an office which he held and the duties of which he most thoroughly performed until his death. The mental and moral qualities of Judge Glover made him useful in all the responsible positions which he filled, and won for him the confidence and respect of all, while his amiable and affectionate nature and gentle and courteous manners secured to him the warmest esteem and affection. In the private and domestic relations of life he was singularly happy. And after an active and useful life, prolonged far beyond the allotted span, supported by the conscience of 'duties well performed and days well spent,' in his loved home, surrounded by all which should accompany old age, as honor, love, obedience, troops of friends, he has gathered to his rest.

"For him we feel no regret, but only sorrow for those in whose hearts the loss of their loved one has left a void. I have been requested by the bar of Orangeburg to present to this Court the tribute of respect offered by that bar to the memory of Judge Glover, and to ask that the same be entered on the journal of the Court. And as a further mark of respect, I move that this Court do now adjourn."

The tribute of the Orangeburg bar, presented to the Court by the Attorney-General, was as follows:

"On the night of the 2d day of October, A. D. 1884, Thomas Worth Glover, by the decree of the almighty and all-wise Judge, was called from the field of his earthly toils. By the mercy of that Eternal Judge he had been continued on earth for the fulfilment of his useful life beyond the period allotted to mortal man (which is three score years and ten), and into those four score years which we are told are full of 'labor and sorrow.'

"Removed after these later years, having performed the work set before him, and having undergone the 'labor and sorrow' of those years, he, dying, has severed one more of the few last remaining links of that chain which connected the history of the old judiciary of the State of South Carolina with the living present.

"At the feet of this our Gamaliel, we, his younger brethren, have had the privilege of sitting and drinking in the lessons of wisdom from his lips. It is but sweet and proper that, according to a time-honored custom, we should express our regrets and deep sense of the great loss which his death has entailed upon us and our country; therefore, be it

"*Resolved*, That in the death of Hon. Thomas W. Glover, we, in common with the people of South Carolina, mourn the loss of an upright, learned and honorable judge—one who upon a bench as pure as ever commonwealth knew, illustrated and enforced those principles of virtue, integrity and justice which should ever adorn the judiciary, and which characterized that bench whose decisions are quoted and recognized in the courts of the civilized earth. That as throughout the broad boundaries of our State his public merits and judicial service were acknowledged and preëminent, so in that portion which was his home for so many years, his private life, virtue and integrity have erected an imperishable monument before his own people, to stimulate higher aims and nobler aspiration—feeling that the good that men do lives after them, and its influence never dies, and knowing that the grandest example left for their emulation is that of the Christian gentleman who has passed from among their lives.

"*Resolved*, That his Honor be requested to order these resolutions spread upon the journal of the Court, and that a blank page thereof be dedicated to his memory.

"*Resolved*, That the members of the bar wear the usual badge of mourning for thirty days.

"*Resolved*, That in respect to the memory of Hon. Thomas W. Glover, this Court do now adjourn.

"*Resolved*, That copies of these resolutions be furnished the family of the deceased.

"*Resolved*, That these resolutions be presented to the Supreme Court, and that Court requested to have the same entered upon its journals."

In seconding the motions of the Attorney-General, Mr. W. H. Parker spoke as follows:

"May it please your Honors: I ask permission to make a few brief remarks in support of the tribute of respect just offered by the Attorney-General to the memory of Judge Glover at the time he, with his distinguished associates, passed off the bench of the State, in the great upheavel of 1868, nearly twenty years ago. I had practiced so little before him as a judge that in this presence and before gentlemen who knew so much more of him, and are so much more competent to do this subject justice, I will not presume to eulogize his character, measure his capacity or speak of his peculiar qualifications and attainments for the high office which the State with confidence entrusted to him. I often saw him on the bench, and cannot forget the impression he made. It seemed to me that in the discharge of his responsible, arduous duties he mingled, in the happiest manner, the *suaviter in modo* with the *fortiter in re;* always courteous, gentle and kind, but in the discharge of duty as firm and inflexible as steel. For sixteen years he discharged the duties of his office with promptness, fidelity and marked ability. It is, however, as a citizen and friend that I would crave indulgence to say one word, not in the hope of entwining another shining garland worthy of his character and fame, but simply to drop a tear over the memory of one who was, undoubtedly, the ornament of the society in which he moved, the very idol of his immediate family, and the loved, consistent and lifelong friend of those to whom I am bound by all the ties that make life desirable. In private and domestic life Judge Glover was universally respected and beloved.

"It has sometimes occurred to me that though he did not seem physically strong, life was vouchsafed to Judge Glover beyond the allotted period of 'three score years and ten,' probably for the reason that he did not wear out his frame or break down his constitution by fretting at little annoyances or pining over inevitable misfortunes. He was, in the best sense, a philosopher, and met all the vicissitudes and cares of life with a gentle temper and a cheerful fortitude.

"I have known no one to whom could be applied with more truthful propriety the beautiful language of Mr. Legare in speaking of another upon an occasion similar to this: 'With the blandest manners, the most affectionate temper, the most considerate toleration of dissent, the most patient acquiescence in the decisions of authority, even where he had most strenuously exerted himself to prevent them, his life seemed to me a beautiful pattern of all that is lovely, winning and effective in the charity of a Christian gentleman. I say effective, for his was no fugitive and cloistered virtue which gave no offense because it shunned all contest and maintained its purity only by avoiding the contaminations of the world. He lived, on the contrary, in the very midst of the passions, the struggles and the warfare of active and even public life; he omitted no opportunity of doing good which either chance or design afforded him; and his patriotism and philanthropy vied with each other in turning to account every moment of his time which was not engrossed in the cares of his fireside or the business of his profession.'

"The genial companion, the hearty and cordial gentleman, dignified and polished in manner, possessing in an eminent degree those qualities which distinguished the cultivated and elegant gentleman, joined to literary culture and high legal attainments, he was a citizen of whom any State might be proud, and after a long and pure life he has left to his family the imperishable inheritance of an illustrious name, and to his surviving countrymen an example worthy of all imitation, and which must exert its influence for good to future generations."

At the conclusion of Mr. Parker's remarks, Mr. Edward McCrady, Jr., rose and said:

"May it please your Honors: It has been well observed by a great writer that those who compare the age on which their lot has fallen with a golden age, which exists only in their imagi-

nation, may talk of degeneracy and decay, but no man who is correctly informed as to the past will be disposed to take a morose or desponding view of the present. I have always coincided with this view, have felt little sympathy with those who exalt the past at the expense of the present, and have supposed that human nature was the same yesterday as it is today, and given the same circumstances. I have imagined that those who have gone before us would probably not have greater virtue and fortitude than those of us who live to grapple with the difficulties and temptations which now surround us. But on such occasions as this, when truth not only warrants but requires our cordial assent to the virtues which have so feelingly been paid to one of the last of a generation that is nearly gone, is it not a fitting moment for us to pause and ask ourselves whether we of today, soiled and worn as we are with the present struggle, are preserving the honor and character of the bar, which formerly stood so high? Is it not well for us to dwell upon the high characteristics of the distinguished judge whose memory we honor today, that we may in some degree measure our own standard thereby, whether we hold it up as high as of old? Judge Glover was an eminent type of the character which in the time of his judicial career demanded the respect and support of our people. He was learned, but it was his truthfulness and fearlessness in the discharge of duty upon which they more relied. He was laborious and painstaking, but the people valued still more his fairness and sense of justness. He was firm in the maintenance of the dignity of his court, but was courteous to all, and gentle and considerate with the young and diffident. Are we of the bar of today molding men fit to be his successors and the successors of the other great and good men who adorn our bench? Are we teaching them to despise the mean and paltry tricks of pettifoggers as Judge Glover would have done? to battle for the true and just as did our great lawyers of old? If, as has been said by another greater writer, the bar may be considered on most subjects a fair exponent of the educated opinion of the people, is not the whole community interested in the study of such a life as that of Judge Glover, that its virtues may be impressed upon the bar and exhibited by its members to the honor of those whom they represent? Yes; and the close of that life will teach a noble lesson. Judge Glover had enjoyed high official position; he had

been elevated, as it were, above his fellow-citizens in the dignity of his official office; but when the overthrow of our institutions came, with how much greater honor and dignity did he return to the bar and bear with his people her share of the struggle to resist wrong and oppression!

"He did not sit down and uselessly mourn the days when he had been a judge over them, but, without complaint, he quietly and earnestly set himself to do his duty in the new state of affairs in which his State was involved. And when his people returned to power, how modestly did he accept a position lower than that which he had formerly so well adorned, bringing to the lesser office all the store of learning and experience he had gathered in the higher. I have esteemed it a privilege indeed, on behalf of the bar of Charleston, which so honored and admired Judge Glover, to ask your permission to join in the resolutions which have been so appropriately and feelingly offered in his memory."

The Chief Justice responded in eloquent and fitting terms, commending the character of the illustrious judge to the bar of the State, and granted the request and motion of the Attorney-General. The Court was then adjourned.

No. 7—Judge Cook
No. 8—Judge Wiggin
No. 9—Judge Carpenter
No. 10—Judge C. P. Townsend
No. 11—Judge S. W. Melton
No 12—Judge Maher

RICHARD BRINSLEY CARPENTER.

Gallant soldier of the western division of the Northern army; eminent jurist; a brilliant writer; faithful and loyal friend,—such was the subject of this sketch, Judge R. B. Carpenter, formerly of Frankfort, Kentucky. He made his debut in the political world of South Carolina during the turbulent reign of the Republicans. He was elected Judge of the First Circuit in 1868; he resigned in 1870 and was succeeded by Judge Graham. In the summer of 1872 he was elected Judge of the Fifth Circuit and remained on the bench until June, 1877, when he was succeeded by Judge J. B. Kershaw.

He always tempered "justice with mercy"; indeed, so keen was his sense of justice that when young Willie Gomillion was killed and his father mortally wounded on the 16th of June, 1873, he was then the presiding judge at Edgefield, and after viewing the remains of the slain he positively declined to try the case, remarking that he feared to be partial or biased. The last case tried before Judge Carpenter at Columbia, in May, 1877, was that of "Stack *vs.* R. R. Co.," which was appealed to the Supreme Court, and his judgment was sustained by that Court. In 1870 Judge Carpenter was a candidate for Governor of this State. General M. C. Butler, that gallant and chivalrous son of old Edgefield, was on this ticket for Lieutenant-Governor, but the "powers that were" were not ready yet for an honest government, and they were defeated.

R. B. Carpenter was a true and loyal patriot, and he loved every leaf and flower, every grain of sand, in his "old Kentucky home." During the Civil War he espoused the cause of the North, and, with all the fire and energy of a passionate nature, he threw himself into the midst of the "canon's awful roar." He made a gallant and dashing officer in the Federal army. Judge Carpenter was a true child of the "muse," and it was there by the camp-fires' fitful lights that he dreamed the dreams of the immortal bards, and there his sweetest songs were sung. One especially beautiful poem was "The Flowers of the Wild Wood." Each word was woven into the sweetest melody by a

very gifted lady of Kentucky. Alas, that so many songs of the poet should have been sung in a minor chord:

"What is to be will be,
We cannot help ourselves,
The waves ask not the sea
Where lies the shore that shelves."

In his brilliant intellect, his sound common sense, his loyal devotion to his friends, Judge Carpenter was indeed a matchless man. Such virtues must ever command our respect and admiration.

When South Carolina had, Phœnix-like, arisen from the ashes of her despair and humiliation—*i. e.*, the rule of the carpetbagger and scalawag—and the peerless Hampton was elected Governor, and our State again was resplendent with the "light of other days," Judge Carpenter laid aside his mantle of justice and removed to far-away Colorado, and, resuming his practice of law, he lived several years among the everlasting mountains, whose snow-capped peaks against the violet dome seemed to whisper to his tempest-tossed spirit.

"On every height there lies repose." A graceful and elegant speaker, a faithful friend! There were many who loved him for his broad generosity of soul and his brave, loyal nature. His powerful, superb intellect all were forced to admire. Over a decade of years ago, far beyond the snow-clad mountains of his Western home, he heard the music of God's choir invisible, and after "life's fitful fever," like a benediction from Heaven came the last, best gift—rest and sleep.

ELLIE BROOKS JONES.

JUDGE ZEPHANIA PLATT.

On March 23, 1868, Brevet Brigadier-General E. R. S. Canby, U. S. A., commanding the Second Military District (North and South Carolina), created by the reconstruction acts of Congress, removed the Honorable A. P. Aldrich, one of the circuit judges of the law courts of this State, and on the same day appointed Mr. Zephania Platt, who qualified (by taking the test oath prescribed by the Federal statute) a few days afterwards. He was elected by the Legislature on August 26, 1868, and qualified.

Little is known about Judge Platt's antecedents. He was a resident of Aiken, where he made a very pleasant impression upon all classes. When appointed he was quite an old man, having been licensed to practice at Philadelphia, Pennsylvania, in 1816, and his health was by no means strong. He had little opportunity to show his capacity in South Carolina, but lawyers who saw him on the bench declared that though enfeebled both mentally and physically, he showed evident signs of having once possessed considerable legal learning. He was a man of dignity and of great kindness of heart.

Judge Platt died in 1871.

JUDGE CHARLES B. FARMER.

Charles B. Farmer was a successful practitioner at the Colleton bar. In 1871, upon the death of Judge Zephania Platt, he was appointed by Governor R. K. Scott Judge of the Second Circuit to fill out the unexpired term, the same being for a period less than one year. He made an acceptable judge. His knowledge of law was sufficient to enable him to transact the routine business of the court and to try the ordinary run of cases in a satisfactory manner. He was faithful in the discharge of duty, amiable and courteous in his official bearing, and in all his intercourse was agreeable and made friends and well wishers.

He had a fine sense of humor and possessed a fund of anecdotes varied and voluminous, and had powers of conversation which made his society delightful, and his rooms of evenings while attending courts on circuit was a general and popular resort. It may be said of Judge Farmer what is a jewel is any man's crown: he had a kind and generous heart.

Upon the expiration of his term he was succeeded by that eminent lawyer and great judge, Honorable John J. Maher, of Barnwell. In retiring from the bench, Judge Farmer carried with him the good wishes and warm regards of the bar, the officers of the court, and the people of his circuit.

JUDGE JOHN T. GREEN.

Judge John T. Green, of Sumter, was the son of the Reverend Henry D. Green, of Mechanicsville, South Carolina, and was born at Mechanicsville on October 18, 1827. At an early age he entered the South Carolina College, where he remained for three years. He subsequently entered the law office of Mr. F. J. Moses, Sr., afterwards Chief Justice of the State, and after a thorough course of study, was admitted to the bar in 1849, when he had just passed his twenty-first year. In 1852, Judge Green was elected to the State Legislature on the Coöperation ticket, and, being reëlected, served for six successive years. Being again put forward in 1858, he declined to be a candidate, and continued to practice his profession in Sumter until 1864, when he was again elected a member of the Legislature. There having been some irregularity in the preceding election, a new one was held in 1865, and Judge Green was once more nominated and elected. In the following year, 1866, Judge Green ran against the Honorable John N. Frierson for State Senator from Sumter, and was beaten by sixty-six votes. During the war, and for some years afterward, Judge Green was in delicate health, and as he took no part in the struggle, he was regarded as a Union man. In 1866 he was appointed president of the Provost Court in Sumter, and held that post until civil authority was restored. When the reconstruction government was organized he was unanimously elected by the General Assembly Judge of the Third Judicial Circuit, was unanimously reëlected upon the expiration of his term of office, and was still the incumbent of that office at the time of his death.

In the year 1874, Judge Green was a candidate for Governor on the Independent (Reform) Republican ticket against Governor D. H. Chamberlain, regular nominee of the party, and was defeated, but he received the entire white Democratic vote of the State and quite a large number of the better class of Republicans. His own county, Sumter, cast nearly its entire vote for him. Though so many of his white fellow-citizens disagreed with him in politics he held the respect of every acquaintance he ever made, and no question ever arose as to his integrity and

good intentions. The following resolutions, passed by the Sumter bar, written by Major Fraser, who afterwards became judge, and widely known for his high character, with the distinguished and highly intellectual James S. G. Richardson as chairman of the meeting, the bar of Sumter placed on record their knowledge and estimate of Judge Green, and this is his best biographical sketch. We quote the action and resolution of the bar in full:

TRIBUTE OF RESPECT.

At the meeting of the members of the Sumter bar this day, held at the office of Messrs. Richardson & Son, the following preamble and resolutions were offered by Major T. B. Fraser and unanimously adopted:

"Judge John T. Green departed this life at his residence in the town of Sumter on Wednesday, January 27, 1875.

"He was born near Mechanicsville, in the district (now county) of Sumter, in October, 1827, and was the son of Rev. Henry D. Green and Mrs. Rebecca Green. His early education was obtained in the excellent classical schools which were so long sustained by private enterprise in his neighborhood, and in 1844 he entered the freshman class of the South Carolina College, where he remained for three years. After leaving college in the junior year he became a student in the law office of Chief Justice F. J. Moses, and in 1849 he was admitted to the bar by the Court of Appeals of this State, and commenced the practice of law at Sumter, South Carolina. In 1852 he was elected to a seat in the Legislature; was reëlected in 1854, and again in 1856. He then retired from public life until the close of the war, and in 1864 he was again chosen as a representative in the lower house of the General Assembly. This and every other office of the South under State authority, being held to be vacant at the close of the war, and new elections ordered in 1865, Judge Green was again elected to the Legislature from Sumter, and was a member when his office again became vacant by the passage of the Reconstruction Acts of Congress.

"Upon the reorganization of the State Government, under the Reconstruction Acts, he was elected Judge of the Third Judicial Circuit, and upon the expiration of his term was again elected to that important position, and continued to discharge its duties until his death.

"As a man he was kind and considerate of the feelings of others, and scrupulously just in all his dealings with his fellowmen.

"In politics he was from early life a Union man, and never changed his opinions or concealed his feelings on the vital questions involved in the later war, when there was everything in the

circumstances which surrounded him to draw him away from his convictions on this subject.

"He became, after the close of the war, a Republican, and having accepted office under the new order of things, he discharged its responsible and delicate duties with marked intelligence, firmness and impartiality. His apprehension of the points of a case was unusually quick, and his natural sense of right, added to his learning in the law, enabled him to attain such conclusions as to make his decisions rarely the subject of appeal to the Supreme Court.

"It is due to his memory that we, the members of the Sumter bar, whose lot it has been to have been associated with him for so many years at the bar, and to have been eye-witnesses to his high qualities as a judge, should bear testimony to his worth and usefulness. Therefore,

"*Resolved*, That in the death of Judge John T. Green the county has lost one of its best citizens and the State one of its most valuable officers, kind and just as a man, able and upright as a judge, and of high integrity in all the relations of life.

"That a copy of these resolutions be sent by the secretary to the family of Judge Green, with the expression of our sympathy with the widow and the orphans in their deep affliction and their irreparable loss.

"That the chairman of this meeting, at the next session of the Court of Common Pleas and General Sessions for Sumter county, present this preamble and resolutions to the presiding judge, and request that they be entered upon the journals of the Court."

On motion, it was resolved that the Sumter newspapers published in the Third Judicial Circuit be requested to publish the foregoing preamble and resolutions.

On motion, the meeting adjourned.

JAMES S. G. RICHARDSON, Chairman.

JUDGE JAMES M. RUTLAND.

(From the Fairfield "Herald," April 22, 1874.)

Judge James M. Rutland died in Winnsboro on the morning of the 17th of April, at the age of sixty years. Judge Rutland was one of the most prominent and highly respected citizens of Fairfield county. He was born in the Horse Branch neighborhood, and lived on his father's farm, attending schools at intervals until he had acquired the elements of an education. He then taught school two years, after which he entered the store of Mr. David Aiken as clerk. After serving some time in this capacity, he attended Mt. Zion School and prepared himself for the University of Virginia, at which place he graduated in the law school. Returning to Winnsboro, he was appointed magistrate, and was admitted to the bar December, 1844. After some years he entered upon his profession as a lawyer. He was genial in his disposition and made many friends. His honesty and sturdy independence of character, however, made him uncompromising in his ideas and principles. He was generally in the minority in politics, and for this reason held no public office before the war. When South Carolina seceded, Judge Rutland was one of the few men in the State who proclaimed themselves Unionists; and though his position was condemned, his boldness and consistency commanded the esteem of his personal friends though political enemies. When reconstruction came, Judge Rutland was a member of the reconstruction convention, and was elected Senator in the first Radical Legislature. For this he was ostracised by many of his former associates. He was elected judge, and, despite the prejudice against him as a member of the party, he performed his duty so faithfully as to fully regain the high position he had previously held in the confidence of the honest citizens of the State. When his judicial term expired he retired to private life, disgusted with the party that he had labored vainly to make respectable, and in unmeasured terms denounced the villainy and corruption of the administration.

For some time past, Judge Rutland has been in feeble health. Seven paralytic strokes shattered his constitution, and the last one carried him off after a day's illness. He will be buried in Lancaster. Thus has passed away an honest and upright man. Peace to his ashes.

JUDGE LEMUEL BOOZER.

Judge Lemuel Boozer was born in Lexington county, South Carolina, April 4, 1809. He descended from sturdy German stock who emigrated to this country, before the Revolutionary War, seeking relief from religious persecutions and interference. Habits of self-reliance and indomitable energy were infused into his life and character from the beginning. During the Revolutionary War many of the Boozer family took part therein, some of whom became prominent—Jacob Boozer, grandfather of Judge Lemuel Boozer, having been a captain in the Continental army. His father settled in Lexington county and died when Lemuel was a youth, and Lemuel had to work hard for a livelihood; but his habits, inherited and formed in his childhood, served well to carry him to the success to which he attained.

He received his rudimentary education partly in the common schools as far as possible, but studied mostly by himself while engaged on the farm, carrying his books with him into the field and applying himself to them at night by the light of the pine-knot. Thus he prepared himself for the South Carolina College, where he graduated in 1830. He was soon after admitted to the bar, taught school a while in Lexington county, and practiced his profession successfully for nearly forty years. He was known and universally esteemed as a laborious, painstaking, honest, fair and successful lawyer. Being very popular—in fact, unanimously so—in his native county, he was honored by the people with every position of honor and trust within their gift: Magistrate, colonel of militia, member of the House of Representatives, Senator, delegate to conventions, etc.

He was a delegate from the State at large to the historical National Democratic Convention, which met in Charleston in 1860, for the purpose of nominating a Democratic candidate for President of the United States, and was one of the three delegates from South Carolina who refused to join the Southern delegates in bolting the convention upon the nomination of Stephen A. Douglas, of Illinois.

Having learned and cultivated from his ancestors an undying gratitude to this country for its giving to them a home and

freedom, he formed, naturally, a tenacious love for the Union, and in all his political experiences he stood unswervingly for the Union and strongly opposed secession and its dissolution.

After the war he was again honored by his native county. He was a delegate to the State convention which framed a constitution under the Perry Provisional Government, and was subsequently Senator and District Judge under this Government.

Under the Reconstruction Acts of Congress, having always been put forward by his people in cases of emergency, impelled by a sense of duty to them, he occupied prominent positions and did all in his power to secure justice to his fellow-countrymen and to restore the State to its proper relations in the Union.

He was by the unanimous voice of the bar of the State, against his own inclination to retire to private life, his health having become impaired, urged to accept the position of Circuit Judge, which position he held up to the time of his death. This position at that time engaged the hardest and most laborious efforts of his life, but he courageously assumed its duties at the call of his brethren of the bar. He did valiant and enormous work as Judge, and to the entire satisfaction of the people, nearly two years, when his physical system gave way and he sank under it, and died while holding court at Camden, in January, 1870.

No. 1—Judge Vernon
No. 2—Judge Graham
No. 3—Judge Moses
No. 4—Judge Boozer
No. 5—Judge Thomas
No. 6—Judge Reed

JUDGE WILLIAM M. THOMAS.

William M. Thomas was born in Charleston, South Carolina, September 21, 1833. He received his early education at private schools in that city, and completed the course at its high school, from which he entered the South Carolina College, graduating with credit in the class of 1852. Admitted to the bar in 1855, he practiced his profession in Greenville, and was afterwards elected commissioner in equity for that district.

Resigning the commissioner's office, he entered the Confederate service and rose to the rank of adjutant of the Seventh South Carolina Battalion, commanded first by Patrick H. Nelson and afterwards by James H. Rion. His career as a soldier was honorable throughout.

Resuming the practice of his profession in Greenville, he was in 1868 elected Judge of the Sixth Circuit. Judge Thomas had never affiliated with the Republican party, and he very soon became obnoxious to those who controlled its policy. He served on the bench but one term—in a period of great unrest and frequent disturbance. In that time some parts of his circuit, notably the counties of Union and York, were seriously disturbed by the conduct of the negro militia and afterwards by the doings of the Kuklux Klan. The military power of the United States completely overrode the State courts, and Judge Thomas found himself powerless to assert his authority in the face of arbitrary proceedings against which he could only protest. His retirement from the bench in 1872 was plainly the result of his non-partisan course on the bench and his desire to maintain the dignity and the authority of his court. He had a high conception of the judge's station, and under most extraordinary difficulties sought to maintain its dignity and authority.

On his retirement from the bench, Judge Thomas resumed the practice of his profession in Charleston. He died in that city on February 19, 1902.

JUDGE THOMAS O. P. VERNON.

Judge Vernon was of good stock. His grandfather, Alexander Vernon, came from Scotland in 1755, settled in the upper Tyger river settlement, near the Indian boundary, in which is now Spartanburg county; was one of the founders of Nazareth church, and a prosperous, energetic citizen. For instance, after being in this country five years he returned to Scotland, married Margaret Chesnee, and brought her across the water. His Bible and many other relics are now in existence.

Alexander had one son, James, who inherited the homestead. Here, in 1818, Thomas O. P. Vernon was born. James had married the daughter of his father's nearest neighbor, James Jordan, who also came from Scotland.

James Jordan was probably the most prominent man in Spartanburg county at that time; a member of the State Constitutional Convention first held after the Revolution of 1776; afterwards one of the commissioners to organize the county; for many years justice of the peace, and for several terms State Senator; a citizen useful in that chaotic and formative period.

Judge Vernon started life with advantages unusual for that time. His father was counted rich. Tom was first sent to Yale, and after remaining there some time, on account of hemorrhage from the lungs was brought home and sent to the University at Athens, Georgia, where he graduated with distinction.

Spartanburg was then a poor county, and offered little inducements to the professions; but the investment had already been made, and Tom must practice law. This he did in a desultory fashion; never very studious, application was distasteful to him. His genius was such, however, that those who knew him best marveled at his great information. Apparently without effort he absorbed everything within reach. He married Miss Bomar, daughter of Elisha Bomar, who was for many years clerk of court of Spartanburg county.

Perhaps his greatest quality, and at the same time his greatest incubus, was popularity; everybody knew and liked Tom Vernon, as stated both by Major Leeland, in his "Voice from South Carolina," page 82, and Doctor Landrum, in his "History of Spar-

tanburg County." He was much in demand on public occasions as speaker. Elected commissioner in equity when he was twenty-two years of age, he filled that position with satisfaction, but won no distinction. How could he? After a time editor of the county newspaper, where his opportunities were still more limited; tempted to run for Congress, only to be defeated by a combination of the other counties against Spartanburg; then for a time district judge; that great niche or corner was at last filled by him which had been reserved so long and where he could best serve his State and fulfill a destiny which for aught we know was horoscoped when Alexander Vernon sat with Bible on knee under the thatch of his Highland cottage. Following the example of James L. Orr, Mr. Vernon accepted from the mongrel Legislature of South Carolina a judgeship, thinking, as Judge Orr did, that this was probably the best way to serve his State.

There have been two revolutions in South Carolina, one hundred years apart. One in 1776, and the other in 1876; the one meant independence from England, the other Anglo-Saxon supremacy, as opposed to the rule and domination of the African. The second revolution was more important to the State than the first. The rule of Anglo-Saxon meant, at least, civilization, and might be tolerated; the rule of the African was intolerable.

Conditions were as bad as they could be. The blacks were everywhere; in the legislative halls, in county and municipal offices. Intelligence and property were disfranchised; incompetence and dishonesty were in full control, supported by Federal garrisons in every "shire" (town) to overawe and intimidate the wretched inhabitants, their own kith and kin. They were here in helmet and spur, with the arrogance of conquerors, applauded at home by good and unsuspecting people, rank with the dogma, "Abolition must be vindicated." The time came, as well it must; the "Fiery Cross" was ablaze, and, as is usually the case, the mountain districts of South Carolina were the first in insurrection and the first to start the new revolution. Spartanburg, York, Union and Laurens are named where the writ of *habeas corpus* is suspended. Cavalry scour the country, arrests are made day and night, the jails are full, the people are panic-stricken, roads are neglected, fields uncultivated, towns deserted; and yet reprisal goes on with a vindictiveness and cruelty which could only be

justified by the law of self-preservation. Of all her trials, it is the darkest and sorest of the State.

Judge Vernon is holding court in Laurens, and there is a terrible riot. Citizens frenzied with rage are the law, nothing stops the angry populace. How many negroes were killed will never be known. For a time Judge Vernon was the only occupant of the court-house. His authority inspired confidence, but only for a time. New levies of Federal soldiers arrive, new arrests are made. The prisoners are so many that the villages cannot hold them, and they are rushed off to Columbia.

Here is the story told by a contemporary—an eye-witness—the late General H. L. Farley:

"It was in the fall of 1870, the day after the election in Laurens, where, during the sitting of his court, the celebrated Laurens riot—the first serious revolt in the State against Radical oppression—broke out and involved all of the surrounding country. Regardless of the presentment of the grand jury, prepared under the direction of the court, a command of six hundred troops under General Carlin were sent to Laurens to arrest twelve of her best citizens, who were carried to Columbia and imprisoned.

"After several weeks of imprisonment, with a constant threat of lynching or assassination hanging over them, and after many ineffectual efforts on the part of their counsel to secure bail from other judges, and a direct refusal to allow them to be brought to Spartanburg to appear before Judge Vernon here, he determined to go to Columbia to hear their cases there. Finding it impossible by bribes or threats to influence his action, the Legislature, then in session, determined to impeach him before he could act. The prisoners were in the court room, and the Judge in his seat hearing argument on the writ of *habeas corpus*, when the messenger from the House rushed in and handed the Judge the resolutions of impeachment, thinking that he would suspend further action. It was then that his true nature asserted itself, as he threw aside the resolutions, with the indignant remark that it did not prevent him from exercising the functions of his office, and that he would proceed with the case and release the gentlemen on bond and let them return to their homes. He knew the step would cost him his position, but, to use the phrase of a distinguished spectator, 'he died with the great writ of *habeas corpus* in his hand.'"

In speaking of this incident, Major Leeland says:

"Worn out at length by this kind of persecution, these prisoners determined to make one final effort, and, through their

counsel, to apply for the writ of *habeas corpus*. This was still practicable, as martial law had not yet been proclaimed. Fortunately for them, Judge Vernon, a part of whose circuit was Laurens county, was within reach, and they decided to make their application to him. As this Judge had always proved upright and honest, and would, under no circumstances, make his high office subservient to mere party purposes, he had himself become odious to the authorities, a stumbling-block which must be moved out of their way. Accordingly, his impeachment was already determined upon, mainly on the charge of intemperance, and a resolution to that effect was already before the Legislature, then in session.

"Without hesitation, Judge Vernon determined to give the prisoners a hearing, through their counsel, and took his seat in the court-house in Columbia, where the prosecution, as well as the counsel for the prisoners, could be heard. In the midst of the proceedings a dandified colored attache of the Legislature walked in, and, proceeding up to the bench, there deposited a written notification that the 'resolution of impeachment' had just been passed and the day fixed for his trial.

"The Judge merely glanced at the paper to learn its contents, and, without pause, proceeded with the cases. After a patient hearing, he admitted them all to bail."

The letter of Judge Vernon to F. J. Moses, Speaker of the House, is too long to be inserted in this sketch. The following extract will show the independence of the Judge and the temper of the man:

"I have no complaint to make against this action of the House of Representatives, wherein it sees fit to prefer charges against me as a public officer, provided those charges are made, as to form and substance, in such manner that they can be answered and met by me. This is the constitutional prerogative of the House of Representatives, on the one hand, and it is my constitutional right to answer the charges and repel them the best I may, on the other, and to this end I demand my trial. Let the charges be now made, and I am prepared to defend my official conduct in the presence of the Senate, sitting as a Court of Impeachment. I demand the specifications of these high crimes with which I have been charged. I demand the specifications of misdemeanors charged against me in the exercise of the functions of the high office to which I have been chosen. Permit me to say that I did not seek the office of Judge of South Carolina. I was appointed to it by the General Assembly, without solicitation on my part—in point of fact, without my knowledge. I felt then, as I feel now, my unworthiness to stand in the place

of the illustrious men of the State who have heretofore worn, without fear and without reproach, the judicial ermine—men who have, by their courage, their profound learning and unsullied virtue, rendered illustrious the judicial history of the commonwealth. I accepted the office with neither the hope or expectation that I could illustrate it with that learning or exalt it with the ability which had characterized its past history; but, in an humbler sphere, I honestly felt that, with God's help, I could maintain untarnished at least its ancient purity and unsullied virtue. Great judicial talents may adorn the State, but without these advantages, a less shining judicial quality, to-wit, judicial integrity, may often serve the State. In this latter quality, at least, I claim to be the peer of the first among the first, and challenge an investigation, without fear of proof to the contrary.

"It may be to my individual comfort, and perhaps it might gratify some, that I should now tender to the General Assembly the commission which I received from it without solicitation, accepted in deference to its judgment, have held without dishonor, and am prepared to surrender without regret. But in this grave issue personal consideration must yield to a sense of public duty. I do not stand alone. The independence and integrity of the judicial branch of the Government shall not be stricken down in my person, without at least a fearless, though it may be ineffectual, effort to resist all assaults upon either, come from whatever quarter they may."

These *habeas corpus* cases had brought him into great prominence at that time; his action in Columbia was applauded from one end of the State to the other. The Abbeville bar met and passed resolutions approving his actions and complimentary to himself, and everywhere there was a great sense of relief. There yet remained one barrier between bayonets and the prison.

In closing this sketch of a good man, and one that has shown that when demanded he could be great, this extract is taken from an obituary notice in the "Carolina Spartan" of August 22, 1877:

"Judge Vernon was a gentleman, and if 'true refinement'—as has been said—'is shown by doing and saying the kindest things in the kindest possible manner,' he was a cultivated and refined gentleman. If of the three Christian graces, faith, hope and charity, the last—charity, for the wants, weaknesses and shortcomings of his fellows—be the greatest, then he approached nearly to our idea of a Christian gentleman; for who ever heard of his saying or doing a harsh, unkind or an uncharitable word or deed, or of any of his neighbors. He was a patriot, for he

had loved and served his country with marked unselfishness, filling important and responsible positions. He was a kind and affectionate father and faithful friend, and if he had an enemy in this community, he was and is ashamed to acknowledge himself as such."

After his resignation he returned to Spartanburg, where he lived quietly, loved and respected by all. He died on the 18th of August, 1877, leaving a widow and seven children. While not a great judge—there have been few such—the one great occasion which meant so much for his State was safely met; ignoring Federal bayonets, the threat of impeachment, he left the bench, and died, as Leeland says, "with the great writ in his hand." The traditions of the bench of South Carolina were part of his education, and nobly did he sustain them. In calling the name of Carolina's illustrious dead, if nobility counts, he will not be forgotten.

JUDGE JAMES L. ORR.

Judge James Lawrence Orr was born at Craytonville, Pendleton district (now Anderson county), South Carolina, May 12, 1822. His great-grandfather, Robert Orr, emigrated from Ireland in 1730 and settled in Bucks county, Pennsylvania, whence he removed to Wake county, North Carolina, and, with six sons, fought in the Revolutionary War. The youngest son, Jehu, attained the rank of captain, settled near Pendleton, South Carolina, and married Jane Butcher Clinkscales. His son, Christopher Orr, who married Martha McCann, and was the father of James Lawrence, removed about 1830 to Anderson Court-house, where he was a successful merchant.

James L. Orr sold goods and kept books in his father's store on Saturdays and in vacations, attending the Anderson Academy. At the age of seventeen he went to the University of Virginia, where he took a literary course and studied law. Completing his law course, he was admitted to the bar in 1843, beginning at once to practice in Anderson, and editing the "Anderson Gazette." In 1844 he was elected to the Legislature, heading the delegation from his county, and was reëlected in 1848. From the beginning he took a prominent part in the deliberations of that body. He earnestly urged improvement in the free school system of the State, and advocated the election of presidential electors by the people instad of by the Legislature, and the change of senatorial representation from the parish system, under which the small parishes in the low country had hitherto controlled the Senate. He was outspoken in his opposition to "Nullification" and separate State action.

In 1849 he entered the race for Congress against Honorable B. F. Perry, and after an exciting contest was elected. He was then only twenty-six years of age. He was reëlected without opposition until 1858, when he declined to serve longer. During the last two years of his term he was Speaker of the House, being the youngest man who had ever held that position.

In 1851, on his return to South Carolina from his first term in Congress, he found the State in a turmoil because of the Act extending the line fixed by the "Missouri Compromise." Most

of the provisions of this Act he had opposed as being unfair to the South. A secession party had been organized, and public sentiment strongly favored the movement. Colonel Orr felt, however, that South Carolina was then in no position to secede, and although apparently in a hopeless minority, he fought the advocates of secession on every stump in his district, and his party carried the State by eight thousand majority.

He was among the first to denounce "Know-nothingism," and his speech against it, delivered at Independence Hall, Philadelphia, on the 4th of July, 1854, was published and circulated over the entire country.

He was chairman of the committee on Indian affairs, and was deeply interested in securing justice for that unfortunate people.

He returned from Congress in 1859, expecting to devote his time to his family; but his hopes could not be realized. He had most earnestly opposed secession for sixteen years, because he believed the ruin and devastation of the South must inevitably follow such a step. Still, when his State seceded, he thought it better that the people should enter unitedly into the struggle, however desperate, rather than, by internal discord, invite guerilla warfare or the horrors of Toryism, which scourged South Carolina during the Revolution.

In the spring of 1861 he raised, in the counties of Anderson, Abbeville, Pickens and Marion, "Orr's Regiment of Rifles," the first to enlist for the war, whose record in the awful four years that followed is the pride of those counties today. After a few months' instruction at Sandy Springs Camp-ground, in Anderson county, they were ordered to Charleston, where Colonel Orr was for some months in command of the harbor.

In December, 1861, he was elected Confederate States Senator, and in February, 1862, went to Richmond, where he spent most of his time till the end. After 1863 he was in favor of making peace while it was possible; but the favorable moment passed. He was untiring in his efforts to alleviate the sufferings of the South Carolina soldiers in and around Richmond, spending time and money freely in their behalf.

At a convention held in 1865 the constitution of South Carolina was amended to provide for the election of the Governor by a direct vote of the people instead of by the legislature. James L. Orr was elected Governor. No courts had been held for months;

confusion and disorder prevailed; but Governor Orr's fairness, firmness and common sense restored order.

Early in 1867 he ascertained from leaders in Congress that if the Southern States would grant qualified suffrage to the negroes, universal suffrage would not be forced upon them. He therefore advocated amending the State constitution so as to extend the franchise to all negroes who could read and write and who owned five hundred dollars' worth of real estate. There were probably not fifty negroes in the State who would have become voters by such a law; but when this course was advised by Governor Orr at Charleston, the proposition was received with a storm of abuse. Seeing the temper of South Carolina, the Reconstruction Acts went into effect, the South was put under military rule, and Governor Orr's office ceased to exist.

During 1866 and 1867 he was Grand Master of Masons for South Carolina. In 1868, while traveling in the West, he was elected Circuit Judge, a proceeding which was a total surprise to him. He served with ability and fairness until December, 1872, when he resigned to accept the position of Envoy Extraordinary and Minister Plenipotentiary of the United States to Russia. He reached St. Petersburg early in February, 1873, finding seven feet of snow on the ground. The change of climate, together with the exposure incident to the journey and to the making of a number of official visits, proved too much for his constitution, and he died of pneumonia on May 5, 1873. His remains were brought to New York, where magnificent Masonic funeral services were held. On the 18th of June he was buried at Anderson. He was survived by his widow, formerly Miss Mary J. Marshall, of Abbeville, South Carolina, and the following children: Mrs. Martha Orr Patterson, James L., Samuel L., Mary, and Christopher Hugh.

It is difficult to estimate the services of James L. Orr to his State. Loyal, generous and patriotic, he died a poor man, after having filled every office within the gift of his people.

JUDGE SAMUEL W. MELTON.

The following tribute to his memory was written by General LeRoy F. Youmans, and, aside from the truth of every statement, should bear great significance from the fact that they were together in college and together in after life, although they frequently found themselves on opposing sides of grave questions:

SAMUEL W. MELTON.

All that was mortal of this distinguished Carolinian, of whose striking career, civil and military, an interesting resume appears in today's issue of "The State," was consigned to the tomb in Elmwood Cemetery this morning. That eloquent tongue, for some time paralyzed by disease, is now forever mute.

Until two years ago, when failing health forced his retirement from active participation in the affairs of life, he has been prominently in the public eye from the day of his matriculation in the South Carolina College in December, 1849.

During his three years' course as a student there he revealed, in a most marked degree for an under-graduate, the possession of those high intellectual powers whose exhibitions in his maturer life won him so justly such high admiration and unstinted applause.

Two of his addresses, one as the college orator on the anniversary of Washington's birthday, and one on "The Jews," are still remembered with admiration, not only for the grace and eloquence with which they were delivered, but for their strength of thought and as finished specimens of composition.

After his graduation with distinction in 1852, his editorship of the Chester "Standard" and Yorkville "Enquirer," his practice of the law from his admission to the bar in 1857, his position as aide-de-camp to Generals Bonham, Gustavus W. Smith and Beauregard, his position in the war office and adjutant-general's office of the Confederacy, his State circuit judgeship, his offices of Attorney-General, and United States attorney for the district of South Carolina, were but so many fields for the conspicuous

exercise of the great and varied powers with which nature had gifted him.

His experience in each of these positions broadened his mental horoscope, rendered more acute his distinctive intellectual traits, and increased his knowledge of men and affairs. Of his skill and ability as a lawyer, of his great argumentative power, of his exhaustive research in tracing out a principle from its first faint expression in the text-books through the reports to the very last judgment, of the acumen with which he guarded against what in his view were the perversions and errors which had gathered about a principle in its progress to established truth, and of his facility in reconciling what at first blush were apparently irreconcilable decisions, traces and indications will long survive in the law reports and the public papers of which in his various official positions he was the author; but these traces and indications are too few and faint to show his real superiority in these regards, and much of his reputation as to them, as well as to the fascinating effects of the striking exhibitions of his eloquence, must rest on recollection and tradition, without tangible evidence in permanent and published form.

Fully equipped as he was in all the departments of his profession, and armed cap-a-pie as he was with cogency of logic and full and apt authority carefully collated for arguments before a judge or bench of judges, yet necessarily from their nature the exhibitions of his powers as an advocate before juries met with more instantaneous, general, ample and express recognition and applause.

His great ability as counsel for the defense in capital cases was recognized and appreciated wherever his name was known, and as a prosecuting officer he was unsurpassed. His arguments for the State in the prosecution of Hodge for the murder of Van Eaton, made before a Richland jury, and in the prosecution of the Duffus brothers in a case of homicide, made before a Charleston jury, were at the time pronounced by lawyers of the highest ability to be models of legal argument, as well as overpowering in their eloquence.

Of the logic and argument proper, with which they were both redolent, but scant trace can now be found, while those present at the trial still speak with undiminished admiration of the thrilling power of speech which carried away the crowded audi-

ences. In truth, he was not only a natural born orator, but he had sedulously availed himself of all the adventitious aids which take their force and effect from study and the highest art, in addition to the great advantages with which he was born. His figure was tall and commanding, his voice was singularly musical, its tones clear and resonant as those of a bell, his gesture was always suited to the word. He could touch with equal ease, as the occasion required, the springs of humor or pathos, of laughter or of tears. His wit, of which he made occasional, but not too frequent use in public addresses, was what wit should be, like a pistol shot, the flash and the hit, and both best when closest together—and his flashed and hit like a sabre.

He was indeed a man
"Of piercing wit and pregnant thought,
Endowed by nature, and by learning taught
To move assemblies."

On set occasions he was choice even to fastidiousness in his use of language. The word—the very word—was what he wanted and would have. He was as severe in the selection of his phrases as in the order of his logic; and paid, as the great orators of antiquity did, great attention to the graces of elocution, an attention which was most abundantly rewarded. If that theory of genius be true, which makes it consist in great capacity for mastering details, then Judge Melton was a genius; but with him the fire was never put out by the fuel, and his animated and glowing speech never reeked of the lamp, and showed naught of the *labor limae* save its effects. His conversational powers were of a very high order, and had a distinctive individual charm. The skill and tact of his changes to and fro in his public addresses, by which he mingled oratorical flights with familiar discourse, lent novel and added charms to their spirit and effect. Judge O'Neall said that William C. Preston was, in college boyhood, as to mere oratory, as perfect a speaker as he was in after life, and that the subsequent additions of art did not add to his brilliancy and often marred his otherwise matchless declamation. Melton, on the contrary, greatly improved on his best speakings in his college days, and the additions of study and legitimate art greatly aided the brilliancy and power of his declamation. His efforts at college were, however, the orderly fore-runners of those finished orations of his maturity, which carried the memory of

older persons in his audience back to the great successes of Preston.

He had large human sympathies in evidence, not only in his public exhibitions, but in his private intercourse. His geniality, amiability and kindliness of nature endeared him to hosts of friends, despite the gravest and greatest differences of political opinion in times of the highest excitement. His remains were escorted to their last resting place by sixteen members of the Richland bar as his pallbearers, embracing men older than himself, down through younger men, to still younger men of marked note in the profession, who had sat at his feet as their Gamaliel.

His last funeral rites were conducted by distinguished divines of the Presbyterian and Methodist churches, of which latter persuasion he was a communicant, and by the ancient order of Free Masons, of which he was a member and Knight Templar.

Kind in all the relations of life, he was buried not only amid the tears of his stricken wife and children, but to the great sorrow of the bar, who had been witnesses of his forensic contests and successes, and of the entire community at the extinction of so great a light. Such a combination of striking and attractive traits, such versatility of talent, are rarely found as concentrated in him; and very rarely, if ever again, will the Richland bar number on its roll a member with that combination of lawyer-like elements which give superiority in the profession, that compact, close articulated logic, that brilliant utterance and tongue fence, that sparkling wit, that captivating humor, that oratorical power, which lie buried in the grave of Samuel W. Melton.

ROBERT FLADGER GRAHAM.

This true and large-hearted son of South Carolina rose to a prominent position in his native State during a most eventful period in its history.

Under ordinary conditions, the qualities of his heart and the qualifications of his mind would, no doubt, have presented him as one quietly and with dignity illustrating the virtues of private and social life, affording the characteristics of the esteemed and helpful neighbor, the kind and provident head of a family, the citizen wise to know and strong to perform the duties of civic life, and as one steadily making his way and extending his influence in a high and honorable profession and attaining its distinctions and rewards.

But while his life did present him as fulfilling these obligations in a well-balanced, useful life, the stirring call of the South in the terrible struggle of the War between the States found in him a ready response, and in its defense he manifested likewise the qualifications of a brave soldier and efficient officer, while in the difficult and perplexing questions of the times that followed and in the conspicuous places he occupied therein, he was steadfast and true and ever adhered in his views of policy and duty to his earnest motives to promote the best interests of the State.

The subject of this sketch was born at Marion, in this State, on the 12th of November, 1833. He came of a stock strong in body, vigorous in intellect, and honest in purpose, that has done so much in this State and elsewhere to afford the true basis for the stability and glory of States in "Men, high-minded men."

The Grahams, as might be inferred from the name, came to America from Scotland some time in the eighteenth century. The grandfather of Judge Graham was born in Sumter county and was known as an intelligent farmer. His father was born in the same county in the year 1809. He was widely known and valued as a man of ability and integrity and became probate judge of Marion county.

On the mother's side the ancestors of the Judge were Irish. They came to this country before the War of the Revolution and established an Episcopal church in the county of Marion. The

family on both father's and mother's sides during the Revolution were with the Colonists and the men belonged to the historic band of Marion's men.

As might be reasonably expected from the character and training of the Judge, he enjoyed the tender care and ministrations of a mother who was well endowed mentally, besides enjoying the advantages of an education liberal in the ordinary sense and also in the higher branch of learning.

The early days of his own school education were passed in his native place, and afterwards he was for a time at the school known as Mount Zion Institute, at Winnsboro, South Carolina, where he was fully prepared for college.

It will seem better than mere general statements to show what our subject was as a man, to exhibit the impression that he made upon his instructor at this period of life, for it may be taken as a fair index of the whole tenor of his life.

A letter written in 1853 to his father from Winnsboro contains the following:

"I have taught more than 1,400 students and have had many most excellent young men under my care, but none that in all respects pleased me more than your son. It is seldom, indeed, that abilities, energy and industry are found combined with modesty, docility and a desire to conform to all the rules of a school, however unimportant they may be, as are found in him."

One familiar with him many years afterwards spoke of him as "a man of strong intellect, great common sense, gentle and sympathetic to family and friends, and with a keen sense of humor."

These touches of the heart and mind will bring vividly to those who, whether friend or companion, were familiar with his large and commanding but kind and genial presence, the recollection of the man with all the minute particulars which gave warmth and charm to personal intercourse with him, while those who knew him not may hence form some appreciation of the great worth and calm influence of him whose name and career are worthy of record for the contemplation and recollection of his fellow-citizens.

Judge Graham was graduated with honors from the South Carolina College, and then entered upon the profession of law

in Marion, where also he married Miss Harriet Ellen Harllee, a daughter of Colonel David Harllee.

The military record of Judge Graham shows that he entered the Confederate army as first lieutenant in the South Carolina regiment commanded by Colonel Gregg, and continued therein until after the Southern victory of Bull Run. Afterwards he was elected colonel of the Twenty-first South Carolina Volunteers, and served with distinction in his division until 1864.

He participated in the defense of the metropolis of his State, and was in command of Battery Wagner on Morris Island, Charleston harbor, when the first attack was made upon it.

Early in 1864 he was with his command near Petersburg, Virginia, and on the 6th of May of that year successfully resisted the advance of General B. F. Butler on that place, and on the next day he was badly wounded in a severe action.

Afterwards, however, he was enabled to resume the field, where he continued until the surrender of General Johnson at Greensboro.

His personal popularity and the confidence of his fellows in the years that followed the war brought him from private life into the counsels of the State, and he was repeatedly elected a member of the State Legislature. In other respects he was prominent politically.

In 1872 and 1874 he was solicited by many friends to become a candidate for Governor, but declined, and on one occasion of the election of a United States Senator he received many votes for that exalted position. In 1868 he was chosen an elector on the Seymour and Blair ticket.

Sharing the opinion with other distinguished men of the State that its redemption could be best secured by affiliation with the Republican party, he, with others of like views, joined that party, but, as before intimated, it was done solely under the impulse of the most patriotic motives, which his whole life and character abundantly approved. And acting on that line and with those motives, he moved without a blot or blemish along the path that his judgment had directed.

Soon after the war an "Inferior Court," as it was called, but with large jurisdiction, was established and Colonel Graham was elected a judge thereof.

In 1870 he was elected Judge of the Circuit Court of South Carolina for the First Circuit, and soon after entered upon the discharge of the duties of that high office, which he continued to perform with ability and fidelity until he was smitten with the dread disease which terminated his life. He died at Charleston, South Carolina, on November 5, 1874, in the forty-first year of his age.

It is not practicable within the limits of a sketch like this to analyze and detail the especial legal characteristics of the mind and judicial career of Judge Graham. It must suffice now to say that, kind, courteous and affable in manner, he sat upon the bench, patient in hearing, industrious in work, clear and comprehensive in his views, decided in his convictions.

The writer remembers him as presiding in the court at Charleston, large in stature, strong in body, and with the full bloom of a healthy manhood lighting up his genial and intelligent countenance. Dignified without austerity, he knew and sustained the place and importance of the court and the judge before the community, while he made the access to the altar of justice easy and its ministrations agreeable.

In his private intercourse with the members of the bar and others in this community, he impressed his associates with his strong common sense and bound them to him with his quiet yet social ways, to which was added a mild humor which was the genuine expression of the "milk of human kindness" in his being.

Thus he lived, honored in all the relations of life, responding well and nobly to all their calls and requirements. His relatives and friends will cherish his memory with fond recollection, and the State of his nativity will esteem his name as of one who ably responded to its duties and bore its honors with modesty and grace.

JUDGE MONTGOMERY MOSES.

Montgomery, the second son of Myer and Hetty P. Moses, was born August 26, 1808, in Charleston, South Carolina. His father, Myer Moses, was distinguished as a man of letters, having written a history of the French Revolution. He was a member of the South Carolina Legislature and served as a major in the South Carolina regiment of troops in the War of 1812.

Montgomery was educated in the schools of Charleston. For a while he was in business in New York. In 1832 he married Catherine Phillips, of Philadelphia. They had eight children, of whom five are living, namely, Doctor Franklin J., H. Claremont, Altamont, Arabella P., and Mrs. Gustavus Werber. In 1882 they celebrated their golden wedding in Newberry, South Carolina, at which place they had resided for some years, Judge Moses having previously been the intendant of the village of Sumter, South Carolina, where he resided many years. He practiced law in Sumter with his brother, Franklin J. Moses, until the latter was elected judge in 1865. Montgomery was elected judge in 1871, and then went to Newberry to live, his death occurring there in 1886.

Judge Moses served on the staff of Governor Aiken of South Carolina. He was devoted to his Masonic lodge, Claremont, No. 64, and was often its worshipful master. He was the grand high priest of the Royal Arch Chapter of Masons of South Carolina. Judge Moses was a perfect gentleman, a ripe scholar, and was gifted with a magnificent memory. His wife, Catherine, was a woman of lovely character, noted for her wide charities and for her devotion to the Confederate soldier. She lived until 1885, dying just a year before her husband.

JUDGE THOMAS JEFFERSON MACKEY.

Thomas Jefferson Mackey, who was elected Judge of the Sixth Circuit on January 27, 1872, was a native of Charleston, where he received his primary education and also the limited college training which he had. He served in the Mexican War, being a soldier in the Palmetto Regiment commanded by Pierce M. Butler, and also in the Seminole War. He entered the Confederate service as a private, and in 1864 had risen to the position of captain of engineers in the army of Sterling Price. Before the court of inquiry assembled on the demand of General Price, in consequence of certain criticisms of Thomas C. Reynolds, the "seceded" Governor of Missouri, on the management of the Confederate movement into that State in 1864, Captain Mackey was a witness; and his testimony showed an intimate knowledge of the conditions which he undertook to describe as indicating the character of General Price's movement and his management of it.

On the passage of the Reconstruction Acts he affiliated with the Republican party just organized in South Carolina, and continued his active connection until the Hampton-Chamberlain campaign of 1876. He was a trial justice in Charleston, and was on the city board of aldermen. He was at this time one of the leaders of the faction of Republicans hostile to C. C. Bowen, whose influence and aspirations he steadily opposed and whom he denounced in the strongest terms whenever he had opportunity or auditory. Bowen was prosecuted and was convicted of the crime of bigamy, and that result was generally attributed to Mr. Mackey's active work in procuring the evidence and in assisting the prosecuting attorney in the criminal court of the district of Columbia, where Bowen was tried.

For a short time he was the private secretary of Governor R. K. Scott, and wrote that official's message to the Legislature at the opening of the session of 1871-1872, which was especially notable for its presentation of the doings of the Kuklux Klan, of the Governor's course in the attendant troubles, and of the action of the Federal Government. This presentation, though intensely partisan, was marked by great power of expression and

a choice of language which showed the author to be a very strong writer.

In the summer of 1872 he warmly opposed the nomination of F. J. Moses, Jr., for Governor, predicting that it would disrupt and possibly defeat the Republican party in the contest then in view. At the same time he denounced Reuben Tomlinson, the "carpet-bagger," whom the Independent Republicans, led by Judge James L. Orr, nominated in opposition to Moses. The latter was not long in office before he began his shameful abuse of the pardoning power, for which he was very plainly denounced by Judge Mackey from the bench and also on the hustings.

There was naturally much doubt of Judge Mackey's ability to meet the demands of the judicial office, but these were very soon dispelled. He was heard to say that for some months before he held his first term of court he assiduously studied the text writers, so as to assure himself of a mastery of the fundamental principles. Certain it is that in his rulings and his charges, from the very start of his career on the bench, he showed a remarkable aptitude in stating his conclusions and instructions in the language of an educated lawyer.

Judge Mackey had frequently stated that the intervention of the Federal Government in the Kuklux troubles would not have been necessary if there had been the right sort of circuit judge in the disturbed section. Shortly after his accession to the bench some white men were indicted in the York court for conspiracy and riot, the specification being that they had seized the guns of a company of negro militia commanded by one Faris, a white man. The prosecution was brought under a statute which was almost a literal copy of the "Kuklux Act" of Congress, under which many cases had been handled in the United States Court. The first trial resulted in conviction. Judge Mackey having intimated that the law had been sufficiently vindicated by showing that the guilty could be punished without any intermeddling by the Federal authority in State affairs, he was consulted as to the disposition of the cases still pending against the other parties accused. He promptly said that the prosecutions should be stopped on payment of costs.

"But," asked the lawyer of the man who had been convicted, "what about my client?"

"That," quickly answered Judge Mackey, "will be arranged. You will move for a new trial, I will grant it, and the solicitor will enter a *nol. pros.*"

In 1874-75 there were serious troubles in Edgefield. These Judge Mackey attributed largely to the unfitness of Judge Carpenter, whose circuit included that county, charging that the latter did not sufficiently use his powers or influence in behalf of peace, order and good government. He related that on one occasion while Judge Carpenter was sitting in Edgefield shooting was heard in the public square, and thereupon the Judge adjourned his court and made for his hotel. "And it is related," Judge Mackey said, "that as Judge Carpenter moved away you might easily have played marbles on his coat-tails."

In 1873, Judge Carpenter disbarred some attorneys, including Colonel LeRoy F. Youmans, his action, however, being promptly set aside by the Supreme Court. In the meantime Judge Carpenter modified his order so as to permit Colonel Youmans to appear in a murder case in Fairfield. When the case was called Colonel Youmans mentioned Judge Carpenter's action. Judge Mackey thereupon proceeded to review Judge Carpenter's decree (as now appearing in Watson vs. Citizens Savings Bank, 5 S. C., 159), and, in common parlance, "tore it to pieces," certainly showing the extraordinary and unwarranted lengths to which the latter had gone. Concluding, he said: "LeRoy F. Youmans, Esquire, may appear in this court, not by permission of the Judge of the Fifth Circuit, but in his own right as an attorney and counsellor of this court."

In 1874, Judge Mackey ardently advocated D. H. Chamberlain for the governorship, and he continued his support of him in every proper way till the action of the Republican nominating convention of 1876.

In January, 1875, he was sent by Governor Chamberlain to look into conditions in Edgefield. He made a report in which he scored the Republican office-holders, declaring them to be both incompetent and depraved. Of the county government he said: "In my deliberate judgment, no such iniquity has been inflicted upon any portion of the English-speaking race since the Saxon wore the iron collar of the Norman."

The Judge was fond of telling jokes on Edgefield. Here are some:

At the battle of Cherubusco a soldier of the Palmetto Regiment was seeking the rear in hottest haste. "What do you mean by this?" asked an officer. "Where are you going?" "I just can't stand it," said the fugitive. "Well, then," asked the officer, "what did you ever come here for?" "Well, you see," explained the soldier, "I live in Edgefield and I came here for peace."

Once, on his way to Edgefield, he said: "I am going to hold court in Edgefield, and I expect a somewhat exciting term, as the fall shooting is about to commence."

At another time he said: "I have just discovered that a great injustice has been done the people of Edgefield. It is charged that they kill negroes on account of their political opinions. That is altogether a mistake; they do it for sport."

When Judge Mackey went on the bench he found the civil calendars crowded, and there had been much complaint at the law's delay. He proceeded at once to help the lawyers to dispose of the accumulated business; and on more than one occasion the bar passed resolutions of thanks for his activity. One common practice of his was the holding of night sessions. After midnight he would say to the sheriff, with a twinkle of his eye: "Mr. Sheriff, announce that the court stands adjourned till ten o'clock *this* morning."

Once, upon his return from a circuit, he said: "I have just come from Union, where I held court for twelve days and ten nights, and only four of the jurors died from fatigue."

In 1876 an effort was made by some Republicans, with whom some Democrats in his circuit strongly sympathized, to have Judge Mackey impeached. But the general feeling among the white people was that those of his own party who were pursuing him were very bad men actuated by hostility due to his efforts to expose and punish corrupt officials in Chester county, and the move was unsuccessful. At this session he was reëlected.

As before stated, Judge Mackey was an ardent supporter of Governor Chamberlain. He deeply deplored the Hamburg trouble in July, 1876, but did not sympathize with the Governor in his violent denunciations or in his appeal to President Grant. He expressed the opinion that good government in Edgefield and Aiken would have rendered the trouble impossible. He was particular to defend General M. C. Butler against the charges of Governor Chamberlain and some Republican papers. He

made a public statement of the course of things at the famous Edgefield meeting of August 12th, contradicting Governor Chamberlain and other Republican leaders.

Promptly upon Governor Chamberlain's renomination, Judge Mackey announced his purpose to support Hampton, whilst avowing his unchanged allegiance to the National Republican party. "Where the plume of Hampton leads, there I follow." He did constant and really effective work for the Hampton ticket, speaking at many county-seats and also at other points. He was especially severe upon Governor Chamberlain for calling on the President for troops, saying that a Governor who could not maintain the peace, or who needed soldiers to promote his own election, was unworthy of his station. He related the following incident:

Learning on his way to Columbia, at a meeting point of two trains, that Governor Chamberlain was on the one bound for Washington, he boarded the latter and appealed to him to return to Columbia. "Governor Chamberlain," he pleaded, "you are needed at the State capital. The State is in the throes of a stupendous controversy. There is great excitement. There are fears of bloodshed. The soil of three counties" (referring to the Ellenton trouble) "throbs with the tread of armed men. You are needed in South Carolina. The engine stands ready, the headlight burns bright, to take you back to the post of duty."

"He was deaf to my appeals. His train sped away—he was gone—and I sadly reflected upon the unhappy fate of that people whose chief magistrate was a stranger."

In the time of the "dual government," 1876-77, Judge Mackey was outspoken in his determination to enforce Governor Hampton's authority throughout the sixth circuit. He charged the grand juries that any officer recognizing Chamberlain was a lawbreaker, and that upon proper information the grand jury should indict such offender. He warned the people against paying any taxes to the Chamberlain men, and urged them to make prompt contributions to the Hampton government.

In a case brought before him on an application for the release of a prisoner who had been pardoned by Governor Hampton, Judge Mackey, in advance of any deliverance of the Supreme Court or any other tribunal, formally adjudged that Wade Hampton was Governor of South Carolina, filing a decree which

was a clear, dispassionate, learned, and altogether creditable paper.

By the decision in State *vs.* Shaw, in 1878, Judge Mackey was ousted of his office, but was reëlected by the Democratic Legislature, Judge Shaw and he being the only ones of the displaced incumbents who were thus honored. Before the expiration of his term he announced that he would not stand for reëlection, though he was urged by some members of the Legislature to do so.

Shortly after his retirement from the bench Judge Mackey removed to Washington, and has since spent his time chiefly in that city and in New York.

During the dark days of Reconstruction in South Carolina, A. S. Wallace was a member of Congress from the sixth South Carolina district. Judge Thomas J. Mackey was the presiding judge at Lancaster Court-house, South Carolina, when the Congressman died, and upon hearing of the death of A. S. Wallace, Judge Mackey made the following remarks from the bench:

"The Court has just heard with infinite satisfaction of the death of A. S. Wallace, and the court now stands adjourned in honor of the glorious event. The court will address the constituents of the illustrious dead from the court-house steps at four o'clock this afternoon, and will suggest that they erect a monument to his memory upon which will be placed the following inscription:

"Beneath these stones A. S. Wallace's bones
In solitude are laid;
'Tis here he paid Dame Nature's debt,
The first he ever paid;
To Heaven Wallace has not gone,
Too mean to pay the toll;
Neither has he gone to hell,
For Wallace had no soul."

SENTENCE AND PROTEST OF A SOUTH CAROLINA JUDGE.

The form in which Judge Mackey passed sentence upon a man convicted of arson at the Court of General Sessions in Lancaster

county, South Carolina, is a sad commentary upon the condition of affairs existing in that unfortunate State. It was as follows:

"THE STATE OF SOUTH CAROLINA,
"County of Lancaster.

"I do hereby sentence Calvin Black, convicted of arson, to imprisonment at hard labor in the Penitentiary for life.

"This convict was ably and earnestly defended by Messrs. Kershaw and Moore, two distinguished counsellors assigned by the Court. The verdict was rendered by an impartial jury of singular intelligence, composed of five white and seven colored citizens selected by the prisoner, who had forty challenges.

"The evidence developed the fact that a child about seven years of age was consumed in the burning dwelling house.

"I do, therefore, in the name of violated law, protest against executive clemency being extended in this case by the Chief Magistrate, F. J. Moses, Jr., who has so prostituted the pardoning power as to make the administration of the criminal law a mockery of justice and convert the broad seal of this State into a symbol of approved crime.

"Witness my hand, at Lancaster Court-house, South Carolina, this 9th day of July, A. D. 1874.

"T. J. MACKEY, Circuit Judge."

When, in 1876, the lawful House of Representatives, known as the Wallace House, and the illegal body, known as the Mackey House, were sitting together in the hall of the House, Judge Mackey was called on for a speech. He began as follows:

"Messrs. Speakers and Gentlemen of the Houses of Representatives: We see here two bodies assembled, each claiming to be lawful—each claiming to be the child of our mother State, but it is manifest, from the difference in complexion, that one of them must be illegitimate,"—and everybody knew that the Judge was standing by the Wallace House.

In the course of this speech, he said: "Messrs. Speakers, it has been said that deliberative bodies are dependent upon points of order, but here rights are determined at the point of the bayonet." At this time Mr. Robert Aldrich was occupying the chair of Speaker Wallace, and a negro from Darlington, R. H. Humbert, presided over the Mackey mob.

JUDGE CHARLES PINCKNEY TOWNSEND.

Charles Pinckney Townsend was born in Marlboro county, South Carolina, on the 1st day of July, 1835, and has always resided in Bennettsville. He was the son of Meken Townsend. His mother was Rachel Townsend, née Pearson. His grandfather on the paternal side was Iabesh Townsend, who was born in Marlboro county, and his great-grandfather was John Townsend, born in the same county. The tradition is that the Townsends came from England. Sight Townsend was the first of the name to settle on the Pee Dee. He came to South Carolina from Pennsylvania in 1740. The paternal ancestors of the subject of this sketch were honest, hard-working farmers, good citizens, and all of them prospered. The paternal grandmother of C. P. Townsend was Elizabeth Spears. Her father was David Spears. They were of English descent, and settled in Marlboro county before 1775. His maternal ancestors were of Welsh origin, and the progenitor, Jenkin David, settled on the Pee Dee in 1736. He came with a colony of Welsh people who settled at Queensboro, in Darlington county. The maternal grandfather of C. P. Townsend was Benjamin David, and his grandmother, Mary David, was a daughter of his. His mother was a Pearson, the daughter of Mary David, who married Lemuel Pearson. His great-grandfather on his mother's side was Moses Pearson, who was a captain in the Revolution and after the war a justice of the peace for Marlboro county from 1785 to 1791. Aaron Pearson was the first of the name to settle on the Pee Dee in 1740. The Pearsons were of English descent. The Davids and Pearsons were large families, and many of their descendants are now living in Marlboro county. The older ones were all thrifty farmers, who were generally prosperous and good citizens.

C. P. Townsend, through the liberality of an honored and public-spirited citizen of Marlboro county, Colonel William T. Ellerbee, was enabled to obtain a collegiate education. When a young man he was in the habit of visiting Colonel Ellerbee's house to obtain his signature an an endorser on his father's notes, who was engaged in the manufacturing and mercantile business. On one occasion, at his house, Colonel Ellerbee asked him if he

would like to go to the South Carolina College. He replied yes, but that his father did not want him to go, as he needed his services as a clerk in his business. To this Colonel Ellerbee replied: "If you will go, I will pay your expenses through college, and you can pay it back if you are ever able." After some hesitation his father consented, and he entered the sophomore class the next winter. The amount advanced by Colonel Ellerbee was paid back after his graduation. Colonel Ellerbee was a graduate of the South Carolina College, and for a long time State Senator from Marlboro. He was a cultured gentleman, a large and prosperous planter, and a valuable citizen. He was never married.

The subject of this sketch entered the South Carolina College in 1851 and was graduated in December, 1854, with third appointment in the class. He was prepared for college at the Bennettsville Male Academy. For two years after graduation he taught school at Summerton, South Carolina. In 1858 he was admitted to practice before the then Court of Appeals, of which Judge J. Belton O'Neall was president. His preparation for admission was made in the law office of Charles A. Thornwell, his brother-in-law, at Bennettsville. In 1865 he was elected commissioner in equity for Marlboro county, and held the office until 1868. In 1858 he was elected to the Legislature, when about twenty-one years of age. In 1862 he was again elected and served in 1862 and 1863. In 1894 he was again elected. On the 31st of May, 1872, he was elected Circuit Judge for the Fourth Circuit, and served on the bench from that time until the 14th of February, 1878, when he was succeeded by Judge J. H. Hudson. After leaving the bench he resumed the practice of law, and has been engaged in active practice ever since. In 1896 he was appointed Assistant Attorney-General of the State by William A. Barber, and served in this position for four years. During the time he was Assistant Attorney-General the question of the constitutionality of the dispensary law was settled by the Uinted States Supreme Court, after a great deal of litigation in the State and Federal Courts. After leaving the Attorney-General's office, he was secretary for Senator John L. McLaurin for three years. In 1900 he was appointed Assistant United States District Attorney for South Carolina, and served in the office for about three years.

He served four years in the Confederate army as captain of Company G, Eighth South Carolina Regiment.

Mr. Townsend is still practicing law in Bennettsville in copartnership with Colonel T. C. Hamer. He is still vigorous, and works indefatigably, as he has always done in the practice or in any position he has held. He has always been a student of the law, and has not depended upon absorbing it in the court-house as a good many lawyers now do. Another secret of his success has been that he always carefully prepares his cases for a hearing in the court. As an advocate he has been remarkably successful before juries, and in his legal arguments always showed that he had made an exhaustive research.

C. P. Townsend married, first, Amanda McConnell, of Columbia, South Carolina. She died in 1881. His children by her were: Shadie, wife of T. W. Bouchier; Nellie, wife of Doctor A. S. Townsend; Florence, wife of Harry Connor; Benjamin D., and Edgar, and one son and one daughter who died unmarried. His second wife was Nannie Henley, of North Carolina. He has three children by her,—Charles P., Jr., William Barber, and Elecenor.

Chief Justice McIver said Judge C. P. Townsend was a good lawyer—a perfect ferret—that he took great pains, and never failed to find all the law bearing on his cases.

JUDGE COOKE.

The subject of this sketch was born on Cedar Creek, Fairfield county, July 1, 1831, being the son of the late Reverend John P. Cooke, a prominent Methodist divine, who died in Columbia in 1860.

Judge Cooke entered the Arsenal Academy, at Columbia, in 1848, and in January, 1849, was transferred to the Citadel Academy, at Charleston, from which institution he graduated in 1851. He immediately then took charge of a school near the residence of General Paul Quattlebaum, in Lexington county, where he taught for several years.

In January, 1858, he removed to Orangeburg, took charge of the male academy, and in the meantime read law under Thomas J. Glover, a son of Judge Thomas Glover. Judge Cooke graduated at law in twelve months, and at once began the practice of law at Orangeburg with great promise of success.

On January 14, 1873, he was elected Judge of this, the Eighth Judicial Circuit. This was the first time he was heard of prominently. He served in this capacity five years, and was an acceptable judge, both to the public and to the lawyers who practiced under him.

When the Republican convention met, September, 1876, being called upon for a speech while waiting for a report from the committee on credentials, Judge Cooke gave the Republicans fair notice that if Cardoza and Elliott were nominated by the convention he would fight them. The Republicans did not heed his caution, both of these being nominated. Accordingly, he telegraphed to Judge J. S. Cothran at Abbeville, where General Hampton was holding a campaign meeting, to hold it till he arrived, which was done. Being met at the depot with yells and booming of cannon, he was escorted to the stand and at least ten thousand throats cheered him when he announced his intention to join the gallant Hampton. Judge Cooke then accompanied General Hampton to the seaboard and returned to Columbia, making his best speech at Orangeburg, his old home.

In January, 1878, owing to some irregularity in the election of judges, Judge Cooke telegraphed his resignation to General

Hampton, and in the following May began the practice of law at Greenville with fair prospects of success. He afterwards represented Greenville county acceptably in the House of Representatives.

Judge Cooke is well remembered all over the State, especially for the service he rendered the Democratic party in 1876. Though somewhat erratic in politics, he was always kind-hearted and was generally liked. His motives were never impugned by those who knew him well. He was an excellent stump speaker, never failing to arouse enthusiasm, and was strong before a jury.

There are two things that especially commend themselves in his character: First, notwithstanding his affiliation prior to 1876 with the Republican party in South Carolina, his personal and professional honor was uncontaminated. Second, he was absolutely without malice. No man was more ready to forget an injury or forgive an enemy. If it be true that "men are great only as they are kind," then Judge Cooke can lay some claims to greatness.

JUDGE JACOB PINCKNEY REED.

Jacob Pinckney Reed was born at Calhoun, in Anderson (then Pendleton) district, South Carolina, July 31, 1814, and died at Anderson, South Carolina, August 19, 1880.

He was educated in the "old field" school of the county, and it was mainly by his exertions that he acquired his English education. But with his great natural ability, and with contact with men and the affairs of the world, he readily overcame the want of early opportunities, so that it was scarcely noticeable in his professional and business life.

He began business in early life as a clerk for H. W. Sullivan, a large grocery and cotton merchant in Hamburg, South Carolina, after which he returned to Anderson district, and on the 3d of April, 1835, was happily married to Miss Theresa Caroline Hammond, eldest daughter of Captain William Hammond, of Revolutionary lineage, who survived him. The issue of this marriage was two sons and several daughters of much prominence, inheriting in a marked degree the talents of the father as well as their excellent mother. The eldest son, Clifton A. Reed, is a prominent merchant in Anderson, and the younger son, J. P. Reed, Jr., died soon after his admission to the bar, and gave promise of success in his chosen profession when suddenly cut off by an attack of typhoid fever.

From an obituary notice in the Anderson "Intelligencer," written by one familiar with the subject, under date of August 26, 1880, it is stated that his scholastic education was very limited and was secured by his own exertions. He began life in Hamburg at a time when it was the trading point for the whole of this section of country. His natural ability and his close application to business and study soon developed a decided business ability, and his affable and courteous disposition acquired for him an extensive acquaintance and patronage from planters who made Hamburg their market, and after a few years' experience as clerk and merchant he returned to Calhoun and began a mercantile business on his own account. He proved successful in business and rapidly rose to influence and prominence among his fellow-men, so that in 1838, at the age of twenty-four years, he

was elected to the Legislature, and reëlected at different times until 1850, when he was elected solicitor of the western circuit.

On the 19th of September, 1840, he began at Calhoun the publication of the "Highland Sentinel," which he owned and edited until June, 1842, when he removed to Anderson Court-house and continued the publication there. As an editor he was vigorous and candid in his advocacy of political doctrines, and exerted a strong influence in the affairs of the county. On the 13th of October, 1843, he sold the paper to R. F. Wyatt, who changed the name of the paper and began the publication of the "Anderson Gazette," with the late Honorable James L. Orr as editor.

While merchandising he studied a great deal and greatly improved his education, and his association with politics and journalism developed those tastes and ambitions which were destined to bring him honor and distinction. It was this which induced him to remove to Anderson Court-house for the purpose of studying law, which he did in the office of General Joseph N. Whitner, then Solicitor and afterwards Judge of the Western Circuit. After reading law he was, in 1842, admitted to the bar and began practice as a partner of Honorable B. F. Perry, which continued until 1845, when he formed a partnership with Honorable James L. Orr, under the firm name of Reed & Orr. This firm soon became the most prominent firm of the bar, and its members became warm personal friends, and ever afterwards remained so, assisting each other in such manner that both rose to high positions of trust and honor. After this partnership, Judge Reed had as partners P. S. Vandiver, 1849 to 1855; Samuel Wilkes, 1855 to 1861; Joseph N. Brown, 1865 to 1874, and then, for a short time, Honorable James L. Orr, Jr., and afterwards J. C. C. Featherstone.

In 1850, Judge Reed was elected Solicitor of the Western Circuit, embracing Abbeville, Anderson, Pickens, Greenville, Spartanburg and Laurens districts. In this office he distinguished himself as an able, eloquent and efficient officer of the State, and became so popular and acceptable in the office that he was successively elected until the Reconstruction measures of 1868 carried the State out of the control of the Democratic party and threw out all of the old officers of the State. In 1868, Judge Reed was the Democratic candidate for Congress against the

notorious Solomon L. Hoge, and made a most brilliant and successful canvass, beating his opponent by more than three thousand majority in a district then considered hopelessly Republican. It was, however, at a time when the corruptions of the Republican party were at their height, and Judge Reed was denied the seat he had so fairly and overwhelmingly won.

In 1874 the Democrats refused to make any nominations for Governor, and endorsed Judge Reed as against Governor Chamberlain. Judge Reed thereupon claimed that as between two Republicans he had the right to take his choice, and supported Governor Chamberlain with considerable warmth. So that in December, 1874, he was the administration candidate for Judge of the First Circuit to fill the vacancy occasioned by the death of Judge Graham.

Judge Reed was opposed in this election by the notorious negro, W. J. Whipper, but as he received the entire Democratic vote and such Republicans as Governor Chamberlain could control, he was successful—much to the satisfaction of the people of the State, and particularly of the First Circuit.

At the close of the first term of the court for Charleston county, over which Judge Reed presided, the members of the Charleston bar, through the Honorable M. P. O'Connor as their spokesman, presented to him a paper containing a testimonial endorsed with almost perfect unanimity expressive of their appreciation of his judicial learning and conduct during a protracted and arduous term, and of the promptness, impartiality and ability with which he had discharged his judicial functions.

In the winter of 1875-76 the Legislature again went into the election for Judge of the First Circuit, and Whipper was elected, but the Supreme Court decided that the judicial term was for four years and consequently the last election was void, so that Judge Reed remained upon the bench until 1877, when the Supreme Court decided, in the case against Judge Shaw, that all the judges had been improperly elected, upon which Judge Reed resigned his judgeship and returned to the practice of law at Anderson. As a judge he was upright and displayed more than ordinary ability, the only criticism ever made upon him being that he did not entirely divest himself of the advocate while on the bench—in which, perhaps, he was not dissimilar to most of the judges who were prominent advocates while at the bar.

It was under his appointment of Colonel Miles to assist the grand jury of Charleston county that many of Bowen's rescalities were revealed and checked, and did so much to save Charleston from this payment of corrupt debts. In addition to these, Judge Reed held many posts of power. He was repeatedly the intendant of the town of Anderson, and was a member of the famous secession convention, when he advocated the right of the State to withdraw from the Union. He was almost invariably a delegate to the county and State conventions of his political party. From the time he settled in Anderson to his death the town never had a more zealous laborer for its welfare.

It was more largely due to his influence than any other man's that the Greenville and Columbia Railroad was built and brought to Anderson, and he was for many years one of its most prominent directors. He was a liberal and public-spirited citizen, and contributed largely of his means, his voice and pen to every public enterprise. For over thirty years he was a leading member of the Baptist church at Anderson, and was the moving spirit in the erection of the handsome house of worship in which the denomination worships.

He was the leading spirit in establishing the Johnson Female University, which for a long time was among the leading institution of learning in the State before the war, and from the beginning one of its trustees. When the war was over and the institution went down in the crash, he again took the lead and was instrumental in establishing the Carolina Collegiate Institute and adopted the idea of co-education of the sexes, which was retained until after his death. He was active in establishing the State Savings and Insurance Bank of Anderson, which might have fallen through but for his management, and upon which the National Bank of Anderson was the outgrowth, which did such a long and successful business.

These public services were not the only virtues which he had left to be admired, for those who knew him best bear witness to his generosity and kindness of heart, which was capable of the most ardent friendship and most tender sympathy. Judge Reed was a very impressive man, and as a consequence always showed his faults so common to humanity in the plainest manner. He was free and outspoken; never hesitated when he found a mistake; too candid to allow any concealment or deception. The

public saw all his faults, while the good he did, growing out of his tender heart, was very little known by the general public.

As a lawyer he was a powerful advocate in presenting the facts of the case to the jury, and of eliciting the truth from an unwilling witness.

As a solicitor he rarely failed to convict a guilty party, and was always a terror to evil-doers. His was a forgiving spirit, and he never entertained malice against his fellow-men. A short time previous to his death he talked with one of his former partners and told him that he was at peace with his Maker and fellow-men and prepared to meet his God. He died in the full commission and fellowship of the Baptist church in Anderson, into which he was baptized about the year 1845, and his remains were buried in the churchyard by the church building which he had been so active in erecting, and a monument has been placed at the grave by his widow and children, marking his last resting place.

Anderson county never furnished a man who took greater interest in her welfare than did Judge Reed.

JUDGE MAHER.

On the night of the day of Judge Maher's death, Mr. LeRoy F. Youmans, at the request of "The State" for publication the next morning, gave a last testimonial to the merits and learning of his dead friend, written at a heat and without moving from his chair, from which we extract the following:

"The late brilliant Richard T. Merrick, who had often been associated with Charles O'Connor and other counsel of great national repute as junior counsel to them, on expressing the opinion that Mr. O'Connor was a superior lawyer to any member of the profession he had ever come in contact with, was asked in what he would say this superiority specially consisted. The reply came with the quickness which sprung from thorough knowledge, 'In the extent and accuracy of his legal knowledge.' So those who best knew Judge Maher as a lawyer are agreed that the special characteristic excellence which most distinguished him in his profession was the 'extent and accuracy of his legal knowledge.' His knowledge of the law was the antipodes of vague and shadowy; it was definite and substantial; he knew not only the principles and the exceptions to the principles, but the reasons for both the one and the other. His opinions on legal subjects were always formed with care, and, however quickly given, were always (when these subjects were intricate) redolent of the results of study—study which he had often gone through with years before there arose the occasion sudden for its display. He could fortify his opinions with a celerity which often astonished litigants, the bar and the bench by citations of chapter and verse if they existed, and where they did not exist, by corollaries which legitimately and logically followed from chapters and verses which did exist. In the emphasis laid upon the extent and accuracy of Judge Maher's knowledge of the law, it is not intended in any manner to underestimate any of the other qualities which go to make up the successful practitioner he was. He was an expert special pleader in the days when special pleading prevailed, and the training which he had undergone to acquire mastery in this complex department of the law showed its beneficial results in his pleadings after the Code of Procedure had

been adopted. He had in a remarkable degree the power of clear statement which Daniel Webster, 'the leader of the American bar' of his day, said was 'the great power at the bar,' and to clearness he added fullness and force, and the union of these qualities, said the same great authority, makes 'a man, whether as a lawyer, an historian, or, indeed, a poet,' whose discourse or writing merits the application of those lines of unsurpassed beauty in Denham Cooper Hill's verse:

> 'Though deep, yet clear; though gentle, yet not dull.
> Strong without rage, without overflowing, full.'

"His eloquence was of a high order, and you can yet hear in Barnwell the story of his defense of the two Sanderses, tried for homicide. His argument on that occasion, though it showed his mastery of all the law involved, reminded one of Erskine's eloquent vindication of the rights of juries in the case of the Dean of Asaph, and in its most forceful passages rose to such heights and displayed such powers as surprised his most enthusiastic admirers. His logic, applied as well to the most abstruse refinements and subtleties of the law as to the highest reaches of equity jurisprudence, has time and time again received not only the approbation, but the laudation of the judges and chancellors before whom it was exerted. The same bent of mind and habit of thought which produced his wonderful accuracy in the law made him thoroughly agree with Hugh S. Legare, that reasoning in law should be directed to tracing the logical filiation of consequences which follow from an arbitrary hypothesis, and that law was at once the most exact and the most complicated of all the moral sciences, while politics could scarcely aspire to the dignity of a science at all. And his whole career showed this, for though he served most acceptably to his constituency and to the State for two terms in the House of Representatives, yet he only did this because compelled by the confidence and at the urgent request of the people of his county. When his name was once brought into prominence as a suggested Democratic candidate for Governor in 1876, in an interview published in the Charleston 'News and Courier,' he publicly and most forcibly repudiated the proposal in these words:

"'I could not and would not under any circumstances accept the nomination for Governor—not if I could be assured of the

vote of every man, woman and child in the State. * * * Politics, as you know, are not congenial to me. I am a fireside man, and prefer the enjoyments of home to public life.'

"In 1871 he was elected Judge of the Second Circuit by the Republican party then dominant, and with the approbation of the Democrats, under circumstances most honorable to him, and without the slightest solicitation or lifting a finger on his part. Judge A. P. Aldrich, then a private citizen, but before and since a judge of the State, in an immense mass meeting at Barnwell, over which General Johnson Hagood presided, told the story of the manner of the beginning, the performance and the end of his judicial duties:

"'You all know Maher; he was born here in this village of virtuous parents, raised in our midst, accepted this office at the solicitation of the Republican party, who elected him, has been true to his education and instincts, made a judge of whom we and they are proud; and because he has administered the law without fear, favor or partiality, his place has been supplied by Wiggin. * * * Your executive department may be pure, your legislative department may be pure, but if the department of justice is corrupt, what security have you for life, liberty or property?'

"While we express no opinion as to what heights in the profession Judge Maher may have attained had his area been as unlimited and his theater as unrestricted as were Charles O'Connor's, we are able to say with truth, in addition to what we have already said as to 'extent and accuracy of knowledge of the law' being the most marked qualities of both as lawyers, that two, at least, of the Attorneys-General of South Carolina, who had on different occasions in the conflicts of the forum been compelled to feel the full measure of Judge Maher's ability, concurred in the statement that they had never met his superior among all the bar of South Carolina. One of these Attorneys-General was the writer of this piece, LeRoy F. Youmans; the other was the brilliant, accomplished and able Daniel H. Chamberlain.

"None of the able, learned and brilliant bar of Barnwell with whom Judge Maher so constantly wrestled in forensic conflict in the earliest stages and the zenith of his career survive at the bar. Patterson, Bellinger, Trotti, James Aldrich, Owens, Hutson, all are gone. Their places are supplied by younger men, who, how-

ever able and brilliant, came to the bar long after Judge Maher's professional status had been firmly established. The venerable Judge A. P. Aldrich alone of all Judge Maher's competitors survives, in a green old age, after his voluntary retirement from public life, the

"Furor strepitusque fori—
Serus in coelum redeat."

BY J. J. BROWN.

May it please your Honor: It becomes my sad duty to announce to your Honor the death of our friend and brother, Honorable John J. Maher. At a meeting of this bar held on the 31st of March, ultimo, the following resolutions were unanimously adopted, and I have been requested to present the same to your Honor here, where his vacant chair is a melancholy reminder of our grievous affliction, and where he as high priest once officiated in the solemn rites of this temple of justice:

RESOLUTIONS.

"*Whereas*, The Supreme Law-giver, in the unerring divine wisdom and mercy that finite minds may not understand yet cannot question, has removed from the service of this life to the recompense of that which is to come, our late associate, the Honorable John J. Maher; therefore, be it *resolved* by the bar of Barnwell, in special session assembled:

"I. That in the death of Judge Maher the mother State has parted with a son who, in the purity of his life, the devotedness of his patriotism, his high constancy of purpose, his unremitting faithfulness to every duty, and the conscientious cultivation of his talents, has added lustre to the history of his time, and set an example that shall help to guide to better things the generations to follow after his footsteps.

"II. That Barnwell county, in which he grew to high and honored manhood, where the best work of his busy years was done, has, in his departure from the walks of men, laid to rest in her sacred soil, among her choicest treasures, one who was, to rich and poor alike, in time of public peril and of private care, a trusted counsellor and friend as long as spared to be a blessing to his people.

"III. That the bar of Barnwell sorrows that the central figure has departed from its midst; that the good heart is stilled; that

the great master mind is at rest; that the strong arm shall no more touch with stimulating sympathy the faltering courage of the younger members of the profession into newer life; that the elder brother is forever gone beyond the gates of time.

"IV. That to the kindred, who were more to him than all the honors and earthly riches of all the ages, we tender our truest sympathies and our prayers, and trust that the pain and sorrow of the present separation shall be followed in God's own good time by the peace that passeth all understanding in the final resurrection.

"V. That a copy of the proceedings of this meeting be furnished to his bereaved family, and published in the Barnwell county papers and the daily papers of the State.

"VI. That his Honor, the presiding Judge, be requested to order that this tribute of respect be spread upon the minutes of the court."

In presenting these resolutions, I cannot restrain the desire to speak of the life and character of our departed friend.

I had been associated with Judge Maher and knew him intimately from my youth up to the period of his death. He belonged to a generation which preceded my own, but there was no line which separated from him the younger men who in their several vocations were preparing themselves to take the places of those ere long to be called to rest from their labors. He was our friend and our benefactor. His interest in our progress, his sympathy in our difficulties, and his gratification at our success, stimulated our youthful energies and ambition, and his wise and buoyant counsel lifted many a poor heart from the "slough of despond" and gave hope and confidence to renewed resolution and effort. It was a beautiful as well as an uncommon trait in his character that, struggling himself for bread and promotion, he was ever ready to reach down a helping hand to those on a lower plane than himself.

Judge Maher was born at what was known as the Blue House, in Colleton county, on the 5th of November, 1827. His parents emigrated to this country from Ireland about the year 1816. He obtained the rudiments of his education from Elijah Samuels, who taught a common but popular country school at Barnwell for many years. From Barnwell he went to Georgetown, South Carolina, and after remaining there a little more than a year he settled with his family in Augusta, Georgia, where his father

engaged in the mercantile business. He diligently pursued his studies behind the counter of his father's store, under all the difficulties incident to the duties of a clerk, and thus continued until the removal of the mercantile business to Blackville, in this county. Having attained well-nigh to manhood, he came to Barnwell and began the study of the law, under the direction and supervision of Mr. Edmund Bellinger, whose daughter, after his admission to the bar, he married on the 23d of June, 1853.

Judge Maher spent almost the whole of his life in Barnwell, where after protracted illness and suffering, he died on Friday, the 27th day of February of this year, in the sixty-sixth year of his age.

Success at the law to such a man as Judge Maher was a question only of time and opportunity. Early in life he was taken into full copartnership with Colonel W. A. Owens, and after the death of Colonel Owens with Mr. Winchester Graham, each of whom were engaged in a large and lucrative practice. Judge Maher was thus brought into intimate and practical association with skill, learning and experience, and a field opened to him in which he speedily achieved prominence for himself and equality with his elder brethren. He soon acquired a marvelous familiarity with the details of practice, and in the subtle branch of pleading, in which so few of the practitioners of that day excelled, his seniors came to distrust the correctness of their own judgment when it differed from his.

Upon the retirement of Mr. Graham, Judge Maher continued the practice alone. He had now won his way to the front rank, and was thoroughly prepared and equipped to handle the immense business which came to him from all classes of the people. Retaining such as he preferred, and sifting the chaff from the wheat, as he might well afford to do, he had under his control the most profitable clientage, and derived from his professional work a more certain and unvarying annual income than any lawyer who ever lived in Barnwell county.

At the period of his greatest success his friends and admirers suggested the possibility of a seat on the bench. Leaders of the opposite and dominant political party in the State also solicited his acceptance of the high office. There were many powerful reasons for and against acceding to the request. Surrounded by all the appliances which made his home happy, and the tenor

of his daily life even and uniform, the unexpected demand for his services in this new and untried sphere of usefulness had not been within the compass of his immediate ambitious designs. The Republican party was in possession of the State and controlled the Legislature. It was a doubtful honor to accept office at the hands of a body composed almost entirely of knaves and adventurers. Acceptance of the position was tantamount of a loss of the large and profitable business which insured abundance and ease to himself and family. The tenure of the office was precarious. Those who would clothe him with the ermine today might ruthlessly strip him for a small consideration tomorrow. But the necks of his people were under the heel of the oppressor; cries of suffering and injustice were heard from every portion of the State. The judiciary department, of which he might now become part, was the great bulwark of safety and protection against thieves and robbers; it came home to every man's fireside; it passed on his property, his reputation, his life, his all.

These and like thoughts occupied the mind of Judge Maher while he pondered the momentous question whether he should accept or decline the great office now within his reach. He received letters from gentlemen eminent in the profession and high in the councils of the commonwealth beseeching him not to hesitate. From Mr. W. M. Connor, of Charleston, then esteemed the foremost man in the State, he received an appeal which touched every generous and patriotic impulse in his nature. Concurring with Chief Justice Marshall, "that the greatest scourge an angry heaven ever inflicted upon an ungrateful and sinning people was an ignorant and corrupt judiciary," he finally yielded his assent and was elected Judge of the Second Circuit.

For six years, from 1884 to 1890, Judge Maher served his county in the State Legislature. I remember when it was first proposed to place him in nomination how his diffidence and timidity caused him to shrink from the risk and uncertainty of popular favor; how his mind hesitatingly vibrated between distrust of appreciation by his fellow-citizens and the desire and conscious ability to usefully serve the people in the law-making part of the Government. After careful consideration, and consultation with leading friends, he consented to be brought forward, and was elected by a most flattering vote.

He served a short time on the judiciary committee, of which he soon became chairman, and his duties, so congenial to his taste and acquirements, not only rendered him prominent, but conceded leadership on all the great legal questions brought under discussion.

Towards the close of the session of 1889, Judge Maher had indicated his determination to retire from further service in that body. As soon as this intention became publicly known, the Legislature, among its last acts, in recognition of his eminent abilities and acknowledged qualifications for the work, conferred upon him the distinguished honor of "revising, digesting and arranging the statute laws of the State."

To the satisfactory and successful execution of this arduous undertaking he summoned into active operation all the powers and resources of his trained intellect, and in the conscientious fulfillment of the high obligation he had assumed he made unremitting and unreasonable demands on his mental and physical powers of endurance. In the completion of this great work, modeled after his own conceptions, he had hoped to erect to himself a monument more lasting than marble or brass. It was to be the final effort of a laborious life. It was to be the crowning tribute on the brow of the jealous mistress to whom through all his years, in health or sickness, in prosperity or adversity, his devotions had been loyal and undivided.

But man only proposes. The fatal shaft had already entered his vitals. The threads of life were already parting, one by one. Conscious only that day by day he was accomplishing less and less of his difficult task, he continued his weary toil until, gazing above him, he found the forms of "sweet nature's naked loveliness" becoming shadowy and indistinct. Soon the dimness of the dawn mingled and confused the outlines of visible and familiar objects, and in only a little while the blackness of Egyptian darkness settled around him forever. His work was done. The great French philosopher, Lavoisier, during the terrors of the French Revolution, petitioned that his execution might be delayed until he could solve the problem then occupying his mind. So would our prayers, and those of our departed friend and brother, have stayed the summons which called him hence from the unfinished labor of his love and pride.

His spirit has taken its flight to the thither shore; his body lies buried in the litle churchyard near by; but we have remaining with us the character which he ennobled and the virtues which he illustrated for our emulation and imitation.

In the compass of these remarks we cannot do more than indicate their outlines. We cannot enter the home to relate what he was at the domestic fireside. An overshadowing gloom without, and the sanctity of disconsolate grief within, forbid it. With us it is not necessary. The salient features of that character and the virtues which his daily life exhibited are as familiar to us all in Barnwell as was his form on our streets. They were engraved in relief on all his actions and purposes, whether contributing to the happiness of the home circle, striving for success at the bar, representing his people in the hall of legislation, sitting in judgment on his fellow-man, or sharing the convivialities of the social board. Under all circumstances and at all times he disdained disguise and he despised dissimulation. He was singularly free from any inclination to mere empty display or artificial appearance.

His excessive modesty and distrust of himself sometimes appeared to prevent his grasping at honors within his easy reach. His extreme sensitiveness sometimes subdued into silence the faintest effort at self-assertion, but all that Judge Maher ever secured or endeavored to secure in life was what had been voluntarily accorded by others and accepted by himself in virtue of his superior merit and right. He entered into no contest with Fate. He wrung nothing from her unwilling hand, and to her decrees, however hard and however unjust, he submitted without murmur and without complaint.

Who of us will undertake to measure the height and depth, the length and breadth of his great genius? As a lawyer he was the embodiment of truth and honor, the incarnation of purity and uprightness. He scorned the devices of the mere sharp practitioner; and in his conflicts in the forum he used only such weapons as came from the armory of legalized warfare. Over the adversary whom he had defeated he made no exhibition of triumph, but with knightly courtesy he tendered the kindly offices of solace and comfort. He contended for the righteousness of the cause he espoused, not his own glory; and he valued

only the victories won on a fair field and over "a foeman worthy of his steel."

He studied the law as a science, and he understood it as a philosopher. He explored to their sources all the streams that emptied their rich contents into his capacious mind, and he stored his vast accumulations within the recesses of his wonderful memory in such order and exactness that he recalled without difficulty the leading cases on any branch of the law, and often the volumes and pages on which they were to be found.

The history of the few years in which he presided as judge of the courts of this circuit is written in the minds and hearts of the attorneys who practiced before him, and in volumes three to ten, inclusive, of the South Carolina Reports.

In discharging the duties of that high office he realized that his judicial robes necessarily separated him from familiar contact with the people. He was dedicated to, and set apart for, a specific purpose, and in the temple of the blind goddess he was himself to become blind. His official dignity and austerity of manner sometimes created the impression that his elevation had rendered him haughty, cold and repulsive, but disrobed and relieved of duty he was easy of approach, kind, gentle and considerate in his demeanor to all.

How vividly do we recall the courts held in the old Presbyterian church before the erection of this building; how the bar and others would gather around the jury box to hear the charges of Judge Maher. How ready and comprehensive was his grasp of the subject; how clearly and convincingly he would evolve from the subtleties of the law the true principle to be applied to the case in hand, and with what facility he would strip from the correct rule the doubts and difficulties in which the mystifying ingenuity of counsel would involve their legal dogmas.

He administered justice with an even hand. He made his courts a terror to the malefactor, but a refuge for the innocent. None were too high to escape deserved severity, none too low to be beyond the reach of his compassion. He believed in the certainty rather than the severity of punishment as a preventive of crime, and he was wont to remember that "the quality of mercy is not strained."

He never presided at a court outside of his own circuit. Rotation of the judges was not then required. His splendid talents,

his profound learning, his peculiar fitness for and usefulness in the judicial office, was confined to the limits of five counties. Had he presided over the courts of the other circuits of the State, there is little reason to doubt that his abilities and qualifications for the position would have placed him in our court of last resort, and, perhaps, as its central figure.

To say that he was true to his trust as a legislator and a representative of the people would be bestowing no praise on Judge Maher. It could not be otherwise. The machinery which impelled his moral and intellectual organism ran only on straight lines. Duty was his guiding star, the Polaris from which all his measurements and calculations were taken, whether floating in safety on placid waters or contending amidst surrounding wrecks with the angry storm. Fidelity to principle was the chart of his life. He gave to his constituents, without reserve, his time, his talents and his energies, but he surrendered no part of his independence of thought or of action. He employed none of the arts of the demagogue or charlatan to obtain or continue his political preferment. He towered at once above the contrivances of the mere politician, and he enlisted in his behalf only such forces as appealed to reflecting minds and honest hearts.

Socially we all loved Judge Maher. His affable and gentle manners rendered him easily accessible to the humblest who sought his presence or assistance. His unpretending worth and modest dignity commanded confidence and respect. The liberality with which he dispensed his treasures of head, of heart, and hand, made each and every one of us his debtor. He became as a fountain from whose free and inexhaustible waters all generously imbibed. He was cautious in his friendships, tardy in his confidence, but sincere, frank and transparent in his intercourse with others. If he had no faults, we could not measure him by human standards. But if some spectral defect shall unbidden appear, when we recall his many virtues, let us say for him and for one another:

"Our lives are albums written through,
With good or ill, with false or true;
And as the blessed Angels turn
The pages of our years,
God grant they read the good with smiles,
And bless the ill with tears."

In the liturgy of his church, "he has been gathered to his fathers, having the testimony of a good conscience, in the communion of the Catholic church, in the confidence of a certain faith, in the comfort of a reasonable, religious and holy hope, in favor with God, and in perfect charity with the world."

Peace to his ashes.

JUDGE ARCHIBALD J. SHAW.

Archibald J. Shaw was born and reared in Georgetown, South Carolina, where he began the practice of his profession, and prior to the war he confined his practice to Georgetown and Horry counties.

He entered the Confederate army in a company of the Tenth South Carolina Volunteers, Colonel A. M. Manigault's Regiment, and rose to the rank of major.

After the war he settled in Marion, where he practiced law and succeeded Henry McIver as Solicitor of the Eastern Circuit.

In 1875 he was elected Judge of the Third Judicial Circuit as successor of Judge John T. Green. He removed to the town of Sumter, the law requiring him to reside in the Third Circuit. He ably discharged the duties of this office until the fall of 1878, when he died, and was succeeded by the late Judge Fraser. He married Mrs. Mary Walker, a young widow, by whom he had four children—two boys and two girls.

Judge Shaw was an able lawyer, an excellent solicitor, and an admirable judge.

JUDGE LUCIUS C. NORTHROP.

Judge Lucius C. Northrop was the son of Claudian B. Northrop and Hannah E. Anderson, his wife. Lucius C. was born in Charleston, South Carolina, on the 11th of July, 1838. He attended Mr. Bat Carroll's school in that city; was afterwards a student at Georgetown University (then college), Georgetown, D. C., and was also for some years at the South Carolina College, and studied also at St. Mary's College, Emmettsburg, Maryland.

At the breaking out of the Civil War he enlisted in the Darlington Guards and served until disabled. Before the war he studied law under ex-Governor Lowe, of Frederick, Maryland, and was admitted to the bar. He married, during the war, Miss Rosere Legrix, of Charleston, South Carolina, and they had six children. He practiced law in Charleston on the return of peace. He joined the Republican party and entered politics; was editor for some years of a Republican paper in Columbia; was elected Judge of the Seventh Circuit on the 18th of December, 1875, and was succeeded by Judge Wallace on the 5th of December, 1877.

After the redemption of the State he went to the West and settled in Denver, Colorado, and was appointed by President Hayes United States District Judge, which position he held until his health failed about the year 1894.

During the struggle for the possession of the State Government, in the spring of 1877, Judge Northrop visited President Hayes and assured him that if the control of affairs should be left to Hampton and the Government which he represented, peace would be restored and maintained in South Carolina, and every right of the colored people would be fully protected.

JUDGE PIERCE L. WIGGIN.

Pierce L. Wiggin was born in Ossipee, New Hampshire. He graduated from Harvard University, at Cambridge, Massachusetts, in the class of 1858, and was in 1862 commissioned captain of Company A, Third New Hampshire Regiment of cavalry. He participated with his command in the battles of Bull Run, Antietam, The Wilderness, Cold Harbor, Winchester, and Appomattox Court-house. For a time he served in the Shenandoah Valley on the staff of General George A. Custer. After the battle of Winchester he was breveted major for gallantry in action, being in a number of subsequent battles of minor importance in both Virginia and North Carolina.

After the war Major Wiggin came to Beaufort, South Carolina, where he engaged in the practice of law. In 1868 he was elected Solicitor of the Second Judicial Circuit of South Carolina, and was reëlected to the same office in 1872. He was elected Judge of the Second Circuit on the 18th of December, 1875, and filled this high office very acceptably until 1878, when he was succeeded by Judge A. P. Aldrich.

He died in Beaufort, South Carolina, in the winter of 1879, and was buried in St. Helena Episcopal Churchyard here.

JUDGE JOSEPH BREVARD KERSHAW.

Judge Joseph Brevard Kershaw was born at Camden, South Carolina, on the 5th of January, 1822, the son of John Kershaw, member of Congress in 1812-1814, whose wife was Harriet, the daughter of Isaac DuBose, an aide-de-camp of General Marion. His line of the Kershaw family in South Carolina was founded by Joseph Kershaw, a native of Yorkshire, who emigrated in 1750 and served as a colonel in the War of the Revolution. Judge Kershaw was educated for the legal profession and began practice in 1844 at Camden. He was a member of the Governor's staff in 1843, and served one year in the Mexican War as first lieutenant of Company C, Palmetto Regiment. From 1852 to 1856 he was a Representative in the Legislature, and in 1860 participated in the convention which enacted the ordinance of secession. In February, 1861, he was commissioned colonel of the Second South Carolina Infantry Regiment, with which he served at Sullivan's Island, and in April went to Virginia. His regiment was in the brigade of General Bonham at the Blackburn's Ford engagement, and at the time of the battle of First Manassas, where Colonel Kershaw, in command of the Second and Eighth South Carolina Regiments and Kemper's Battery, struck the Federal army at the Henry House just as Kirby Smith appeared on its flank, and so helped to win the day for the Confederate States.

In February, 1862, he was promoted brigadier-general to succeed General Bonham, who resigned when elected Governor of South Carolina. In this rank he participated in the Yorktown campaign, and in McLaw's division fought through the Seven Days campaign before Richmond; commanded the troops which captured Maryland Heights, and had a gallant part in the fighting at Sharpsburg. At Fredericksburg his brigade was sent into the fight at Marye's Hill, where Kershaw was in command after General Cobb was wounded. At Chancellorsville he was an active participant, and at Gettysburg he and his brigade were conspicuous in the defeat of Sickles at the peach orchard. Reaching the field of Chickamauga in time for the fighting of September 20th, he was in the grand line of veterans with which

No. 1—Judge Kershaw
No. 2—Judge Cothran
No. 3—Judge Wallace
No. 4—Judge Pressley
No. 5—Judge Witherspoon

Longstreet overwhelmed the Federals, commanding McLaw's division, and in the last grand assault on George H. Thomas, also commanding Grace's, Kelly's and Anderson's brigades. He drove the enemy into their lines at Chattanooga and subsequently participated in the Knoxville campaign, at Beans Station, and other engagements, commanding the division. In the same command he went into the Wilderness campaign of May, 1864, and checked the Federal success on May 6th with his veterans, sweeping the enemy from his front and capturing his works. He was riding with Longstreet and Jenkins when these two generals were wounded, and fortunately escaped injury. It was his division which reached Spottsylvania Court-house in time to support Stuart's cavalry and thwart the flank movement of Grant, and, by an attack on Sheridan, opened the bloody struggle at Cold Harbor, where the heaviest Federal loss was before Kershaw's position. He was promoted major-general, and after participating in the Petersburg battles was ordered to the support of Early in the Shenandoah Valley. In September he was ordered back to Richmond, and while on the way Early was defeated at Winchester. Then, returning to the Valley, he opened the attack at Cedar Creek with great success. After this, until the fall of Richmond, he served before that city north of the James. His last battle was Sailor's Creek, where he was captured with General Ewell and the greater part of the remnant of his command. As a prisoner of war he was held at Fort Warren, Boston, until August 12, 1865. On his return to South Carolina he again took up the practice of law, and in the same year was elected to the State Senate and made president of that body. In 1874 he was Democratic candidate for Congress in his district, and three years later was elected to the position of Judge of the Fifth Circuit. He served upon the bench until June 7, 1893. Owing to ill health, he did not offer for reëlection, and was succeeded by the Honorable Ernest Gary. On December 20, 1893, a joint resolution was approved by Governor Tillman that "Honorable Joseph B. Kershaw be, and he is hereby, appointed a commissioner of this State to superintend the preparation of the Confederate rolls for publication and to prepare appropriate sketches of the part taken by the State of South Carolina and the various commands from this State in the late war, to be published with said rolls. In February, 1894, he was commis-

sioned postmaster at Camden, but he died on the 12th of April following. His wife, Lucretia Douglas, to whom he was married in 1844, four daughters, and a son, survive him. The latter is rector of St. Michael's Church, Charleston.

Gallant Hugh Farley succeeded Judge Kershaw as Confederate historian.

In General Joseph Brevard Kershaw, South Carolina had a son who fully measured up in war and in peace to the utmost of his capacity—a gallant soldier, a splendid judge, a polished gentleman, and a sincere Christian. As a commander he was loved by his soldiers; as a judge, was most satisfactory to the bar and to litigants; as a man, was highly esteemed by his fellow-citizens.

In the spring of 1871, while the Kuklux disorders in the upcountry were disturbing the Republican State administration, Governor R. K. Scott invited a number of representative citizens from the upper and middle counties to Columbia for a conference with him.

The assemblage in the executive office was composed of many prominent men, among whom were General Kershaw, Colonel Sim Fair, General McGowan, General W. K. Easley, and others. Governor Scott called on all to express their views as to the causes of the disturbance, and what remedy he could apply to remove the dissatisfaction. After several of those present had given their views, General Kershaw arose and spoke in substance as follows:

"Your Excellency: I address you thus because of the office you now rightfully or wrongfully hold. I am a citizen of this once illustrious State. All my hopes and aspirations in my earlier life were that I might contribute something to her honor and glory and help to advance the welfare of her glorious people.

"In war, at her command, I did battle and suffered privations in her cause. We were overpowered, overthrown and crushed. I came back to a desolated State, with its sentinel chimneys doing watch over burned homes of my people—not in dishonor, but distressed and sorrowing. But when the conquering power set over this brave and enlightened people their former slaves, as their masters and rulers, the cup of intended degradation was well-nigh full. But in further aggravation, if such might be, when you, Mr. Governor, and you (pointing to D. H. Chamberlain and Joe Crews, who sat by Governor Scott), place yourselves as the leaders of this unholy crew of the ignorant and depraved

to lead them in their temporary subjugation of the civilization of the State, you will pardon me when I tell you that I can offer no suggestion, except that you release this black hand of unholy power.

"When I call to mind what this people were, with their proud records of three centuries, and when I contemplate what I am and what they are now, I must confess, sir, that, like these people who you say are causing you unrest" (and here General Kershaw rose to his full height, and bringing his hand down upon the table before Scott with a force that startled him, he continued), "that I long for one more breath of Anglo-Saxon liberty, and by the just God, whose rule is stronger than yours, sir, we are determined to achieve it."

JUDGE WILLIAM HENRY WALLACE.

Judge William Henry Wallace was born in Laurens county, March 24, 1827, the son of Daniel Wallace, for several terms a member of the Legislature, a major-general of militia, and from 1849 to 1853 Representative in Congress, he having removed to Union county. His grandfather was Jonathan Wallace, a native of Virginia, who moved to South Carolina before the War of the Revolution, in which he was a patriot soldier. General W. H. Wallace was graduated at the South Carolina College in December, 1849, and in the following spring was married to Sarah, daughter of Robert Dunlap, of Newberry, her mother being then the second wife of General Wallace's father. She was the niece of James Dunlap, appointed Governor of Florida by Andrew Jackson, and granddaughter of William Dunlap, a Revolutionary soldier, who was the grandson of John Hunter, a native of Ireland, who was United States Senator from South Carolina in 1801.

General Wallace was occupied as a planter in Union county until 1857, when he became the proprietor of the "Union Times" newspaper, and in 1859 began the practice of law at Union. In 1860, as a member of the Legislature, he supported the call for a convention, and at the expiration of his term he enlisted as a private in Company A, Eighteenth South Carolina Infantry Volunteers. A few days later he was appointed adjutant of the regiment by Colonel James Gadberry, who was killed at Second Manassas. Before going into the field the regiment was reorganized, and Wallace was elected lieutenant-colonel in May, 1861. The regiment was ordered into Virginia in time to engage the enemy near Malvern Hill in August, after which it fought at the battle of Second Manassas, losing about half its number in battle, including the gallant Colonel Gadberry. Wallace was at once promoted colonel, and he led his regiment, as a part of the brigade of General N. G. Evans, through the battles of South Mountain and Sharpsburg with the Army of Northern Virginia. Subsequently he was on duty in defense of Charleston. In the spring of 1864 the brigade, then under General Stephen Elliott, was ordered to Petersburg, where Colonel Wallace participated

in the defense of the lines and all the operations of Brushrod Johnson's Division. His brigade suffered most heavily at the battle of the Crater, four companies of his regiment being blown up or destroyed by falling earth at the explosion of the mine on the 30th of July, 1864. In September he was promoted brigadier-general, and up to the eve of the surrender he commanded the brigade, fighting gallantly at Gravelly and Namozine Church on the retreat. At Appomattox on the night of April 8th he was assigned by General Gordon to the command of Johnson's Division, in which capacity he reported to General Clement A. Evans, and participated in the last action of the army on the morning of April 9, 1865.

After General Wallace was paroled he devoted himself to the practice of law, the care of his plantation, and the restoration of good government in the State. He was one of the few Democrats elected to the Legislature in 1872, and was reëlected in 1874 and 1876. He was Speaker of the Wallace House after Hampton's election in 1876, during the exciting times and the bloodless war while E. W. M. Mackey was Speaker of the Mackey House. In December, 1877, Judge Wallace was chosen Judge of the Seventh Circuit, a position in which he continued to serve with honor and ability until 1893, when he retired from public life. He died at his home in Union, South Carolina, on March 21, 1901.

General Wallace had a large and lucrative practice at Union, South Carolina, as the senior member of the firm of Wallace & McKissick, from 1866 to 1877, and was regarded as the leader of that bar. He carried into the practice of his profession the same nobility of character that he manifested in private life. He was as honorable in his profession as in his personal dealings —as much the gentleman in the court-house as in his own parlor. His fine judicial mind, large knowledge of the law, and extensive literary attainments, made him a lawyer of the first rank. As an advocate he had few, if any, superiors in the State because of these qualities, to which must be added his gift of oratory, which he possessed in the very highest degree. He insisted upon, and by influence secured for the bar at which he practiced, a tone of honorable professional demeanor and action that was not excelled anywhere.

As a judge on the bench he ranked among the very best. Absolutely impartial, of honest mind, quick apprehension, and good judgment, clear in statement and strong in decision, he was regarded in his day as a model judge, and will always rank with those who have added honor to the judiciary of South Carolina by virtue of their high character and legal ability.

JUDGE B. C. PRESSLEY.

The Death of an Eminent Jurist and Gentleman—The Close of a Long, Pure and Useful Life—Judge Pressley's Career at the Bar and on the Bench.

("News and Courier," September 6, 1896.)

The announcement of the death of Judge B. C. Pressley early yesterday morning, while not a surprise, was nevertheless a shock to the community, and was heard with deep regret by all classes in this city, in which he had labored so long, so uprightly and honorably, doing ever what he believed to be right, and speaking what he believed to be true. Judging not harshly, and loving much, gaining for himself the highest respect and confidence from his fellow-citizens and warmest affection from his friends.

Judge Pressley was born nearly eighty years ago at the old Long Cane settlement, in Abbeville county, of good parentage, a family of sturdy farmers and husbandmen who had been noted always for their unusual individuality.

His legal education was acquired under the supervision of the late Attorney-General Bailey, one of the most distinguished legal lights of the day. In an almost incredibly short time after being called to the bar he had achieved an enviable position, which year by year became higher and yet more high. His first partner was a Mr. Lee, with whom he was associated until the year 1852, from which date until 1867 he practiced alone.

In 1867 he organized the well-known firm of Pressley, Lord & Inglesby—Mr. Samuel Lord and Mr. C. H. Inglesby being his associates. This firm existed as one of the most eminent in Broad street until its dissolution in 1877, when Judge Pressley was elected Judge of the First Circuit. For fifteen years he sat upon the bench as one of its brightest ornaments, being exactly what a judge should be. His character was unimpeachable, his mind brilliant and logical, and his learning profound. His resignation of his high office, caused by ill health, was greatly regretted, and at that time a most eloquent and glowing tribute was paid him in behalf of the bar by the mouth of one of its most eloquent members.

In ante-bellum days Judge Pressley for years held the office of sub-treasurer of the United States for South Carolina. His discharge of the duties of this office were so faithful and so satisfactory that at the end of the war, without any solicitation whatsoever and to his own intense amazement, he was re-appointed to the same office, which he held until he resigned it on account of the exactions of his practice.

As quite a young man Judge Pressley distinguished himself by reducing an immense mass of crude matter into that concise and valuable work, "Pressley's Law of Magistrates," ever since invaluable to both bench and bar. His accomplishments as a writer were not confined, however, to works on the law, but extended to the lighter and more congenial field of journalism, and many old Charlestonians will remember his brilliant contributions to the Charleston newspapers before the war.

It was on account of failing health that Judge Pressley, after a residence of nearly forty years in Charleston, removed to health-giving Summerville.

In his religious faith Judge Pressley was a Baptist, and was warmly attached to the First Baptist church of this city, where he used often to lecture. Simplicity, modesty and purity were his chief characteristics, and when the summons came, in the consciousness of a well-spent, noble life, and firm in the faith of his fathers, he entered gladly the life eternal, leaving Carolina to mourn the loss of his genius and worth.

The funeral services were held at Summerville, the Reverend Lucius Cuthbert officiating. After the services the remains were taken to the depot of the South Carolina and Georgia Railroad and conveyed on a special to Magnolia Crossing, and from there to Magnolia Cemetery, the place of interment.

Benjamin Chaplin Pressley was born February 14, 1815, and died September 5, 1896. He was the son of William Pressley and Eliza Elenor Adams. He was twice married, his first wife being Louisa Wheeler, and his second wife Mary Burkmeyer.

No. 1—Judge Ernest Gary
No. 2—Judge James Aldrich
No. 3—Judge J. H. Hudson

No. 4—Judge Geo. E. Prince
No. 5—Judge D. E. Hydrick

AUTOBIOGRAPHY OF JOSHUA H. HUDSON.

I was born in the present town (then village) of Chester, in the State of South Carolina, on the 29th day of January, A. D. 1832. My father, Dabney Hudson, was born in Amherst county, Virginia, December 17, 1801, and came to South Carolina when a youth. He first settled in Yorkville, where he learned the tailor's trade with his uncle, William Dedman, who was also from Virginia, and afterwards removed to North Carolina, my father remaining in South Carolina. On the 9th day of July, 1822, Dabney Hudson married Narcissa Cook, the eldest daughter of Benjamin Cook and Sarah, his wife, both natives of York. Mother was born October 26, 1800. After his marriage Dabney Hudson removed to Lancaster and there opened a tailor shop. Here he and his wife lived several years, and then removed to Chester. In Lancaster their first child, Mary, was born. In Chester, Dabney opened shop in copartnership with his brother, Rush, who had come from Virginia to join him. Another brother, Joshua, also came from Virginia and began life as a house carpenter in Yorkville. He married a Miss Mary Hopkins and became also a farmer as well as a house carpenter.

During his life in Chester, Dabney had seven children born to him, to wit: Sarah, John, Eliza, Maria, Joshua, Rush and Cornelia. Of these, Eliza died in early childhood, but Mary and the others lived to reach years of maturity and reared families, the members of which are now very much scattered, some living in Georgia, Missouri, Arkansas, Texas, and South Carolina.

During the last few years of his life, Dabney Hudson was the keeper of the jail in Chester, and continued industriously to follow his trade. He was small of stature, but handsome and manly. He was of a kind, genial and social disposition, and unfortunately, as is too often the case with men of such temperament, became addicted to drink, which shortened his life and kept him poor. He died greatly lamented by his family, relatives, and many friends, on the 7th day of May, 1836, leaving a widow and seven children surviving, the eldest being twelve years of age and the youngest but eight months. It is rarely that the mother with her seven orphans is left in more destitute circum-

stances. She was permitted by the kind-hearted Sheriff Cabeen to reside in and keep the jail until the end of that year, and all the duties of jailor she discharged faithfully and well. But the duties of the office could not continue to be performed by a woman, and she was forced to seek shelter elsewhere, and how would this be found? She was without money or means, and with seven helpless children clinging to her skirts. Fortunately, my father had many friends, though poor, and my mother was a devout member of the Baptist church, a sincere Christian and a woman of character and intelligence. Such a woman will never be without sympathizing friends. Fortunately for her and her little ones, they lived in a community noted then and now for charity to the poor, the needy and worthy. She was urged to scatter her children among relatives, or to bind them out to various trades and callings, or to send them to the poor-house. Such suggestions she declined, and resolved to keep the little ones with her so long as shelter and a morsel of bread could be had.

John Roseborough, Esq., called by everybody "Uncle Johnny," was then clerk of the Courts of General Sessions and Common Pleas for the district of Chester, under the life tenure system, so that he held the office until his death many years after this time. He had on his premises a small two-room house standing on or near the present court-house lot, on the east of it. He generously gave my mother this small house free of rent for the year 1837, and longer if necessary. Into it she gladly moved with a heart of gratitude to Mr. Roseborough; but how now to feed herself and helpless family was a serious problem. No one but a courageous, Christian woman could or would have undertaken this apparently hopeless task. But she went to work like a brave woman and noble mother. As the wife of a tailor she had learned to pad a coat collar and to make a pair of coarse pants. To the calling of her husband she resolved to betake herself, and began by padding coat collars at twenty-five cents each. The present generation must understand that the collars of coats were then much larger than now, and were padded and stitched thoroughly and with care and neatness.

The tailors of the village were kind enough to send her all their spare work of this kind, for they were friends of my father and deeply sympathized with my widowed mother. From the

padding of collars she advanced to the making of pantaloons, coats and vests, the garments being first cut out by a tailor. During this, her first year in the small house so kindly furnished her by Mr. Roseborough, she allowed her two eldest children to be taken by a relative to Yorkville and sent to school. My eldest brother (John), my third sister (Maria) and I were, as poor scholars, sent to school to the village teacher, Miss Ann Foster, who taught school nearby my mother's in a house subsequently and for many years owned and occupied as a dwelling by Doctor A. P. Wylie. It still stands in the town, but has been remodeled. My mother appreciated the value to her children of education, and availed herself of every opportunity to send her children to school, but they were from necessity entered as poor scholars under the laws of the State providing for the education of such. Blessed be her memory for her wise forecast in this respect and for her toils and sacrifices to confer this blessing upon her children. Her devotion to her children, her great industry and marked piety made for her friends, and they united in a move to secure for her a home. Major John Kennedy donated to her during life a half acre of land, the same now owned by Mr. Coogler on Depot street, and upon which he has his store and dwelling.

Upon this vacant lot a few charitable citizens erected a log cabin and covered it with three-feet oak boards, but failed to build a chimney. Into this, in the spring of 1839, my mother was compelled to move; and for a place for cooking, her boys (then mere children) erected in the back yard a small brush arbor, and, gathering a few rocks and stones luckily abundant, constructed a fireplace perhaps two feet high. The logs of the house were not closely fitted, and some of the cracks were large enough for chickens, cats and small dogs to enter.

During the first summer our suffering was not great, but upon the coming of winter it began and became acute as the severity of the winter came upon us. How to live in such a house without chimney and so open was a severe problem. The resources of a brave Christian woman are endless and wonderful. We had one good kitchen or baking oven, and this was brought into the house and set in the middle of the floor. Around it were hung, on a rude frame of poles, the few bed quilts of the scanty household, thus forming a hollow square, the oven in the center.

In this oven was built a fire of oak chips and the smoke allowed to escape as best it could through the board roof, there being no loft or ceiling overhead. Within this hollow square sat the family, my mother and two eldest sisters busily plying the needle and the little ones chatting, studying books and keeping but partially warm. How my mother's heart kept warm and her spirits nerved, and how we managed to live through such trials, poverty and want, I cannot now conceive. But God tempers the wind to the shorn lamb. He is husband to the widow and father to the fatherless, and He preserved us and brought us through. For several summers and winters the family continued thus to live, and, by the blessing of God, to enjoy health.

My two eldest sisters became in girlhood tailoresses with my mother. My eldest brother, John, was bound by articles as an apprentice to Daniel Carroll, Esq., to learn the tailor's trade; and the younger children, Maria, Joshua, Rush, and Cornelia, were steadily kept at school—first, as I remarked, to Miss Ann Foster, and after her marriage to Mr. Kirven Gilmore, we went to her successor, Mr. Wylie Jones, who taught in a small building which afterwards became a part of the carriage shop of Mr. C. Holst. Mr. Jones was succeeded by Mr. Sealy as schoolmaster in the same building, assisted by Mr. McDaniel. So far the school had been mixed, male and female attending together, until a male academy was built on the hill in West Chester, to the rear of the residence of Mr. Thomas McLure, as it then was, and a female school was opened on York street in the home afterwards owned by Richard Kennedy, Esq., and now owned by Mr. Harden, I believe. By dint of hard work and severe economy my mother was able to get a chimney to her log cabin and to get the cracks closed in the usual way by daubing with clay, and we all felt comfortable and rich. After the lapse of a few years her eldest son, John, had the cabin weatherboarded and a small log kitchen built in the back yard. As a next great improvement, he also had a board shed built to the rear side of the house. It took many years to effect all this—years of poverty, privation and suffering; but my mother's heart and resolution never failed her, although her health became seriously impaired under the heavy strain of constant toil with the needle and deep anxiety for her children.

MY EDUCATION.

Mother never relaxed her efforts to keep her children at school, especially the younger ones, sister Maria, I, brother Rush, and sister Cornelia. Necessity forced her to keep the two eldest girls, Mary and Sarah, at the needle, and to bind the eldest son, John, as apprentice to the tailor's trade. These were all steady, willing workers, and to these the younger children owe a debt of lasting gratitude.

The four younger children were kept in school as poor scholars —*i. e.*, on the greatly inadequate free school fund, and my mother and sisters made up the deficiency by sewing for the teachers. Under the law she could have avoided this tax upon her labor and strength; but of law she and her children knew nothing, and, besides, she preferred to do the work and feel partially independent.

I was very fond of my books and learned rapidly, as much so as any of my fellow-pupils. After the erection of the male academy on the hill—a nice, single-story, brick building—the teachers to whom I went were Mr. Sherrill, Mr. Shelton, Mr. Davies, Mr. Sealy again, and Mr. Bansimer, a German, each teaching one or more years according to acceptability or choice. Under the latter teacher I began and made progress in the study of Latin and Greek, algebra and geometry. He was a fine scholar and most thorough instructor, but very cross and irritable, which rendered him unpopular with pupils and parents. For the benefit of his instruction, however, I cheerfully bore patiently with his ill-temper and made rapid progress in all my studies. As his career as a teacher in Chester drew to a close I had reached my sixteenth year, and my mother and sisters having to work so hard to clothe me and keep me in books, I felt that the time had arrived for me to try to support myself.

Up to this time Chester had no newspaper, and a Mr. Bridwell came to establish one. Following the advice of that talented lawyer, C. D. Melton, Esq., I obtained employment as an office boy with Mr. Bridwell, with a view to become a printer. I labored very hard in helping him to clean up and place the machinery and type of his office in position. For a short time I was a printer "devil," but I soon discovered that my employer was intellectually a very weak man and one from whom I would

probably learn little, and, leaving him, I returned to my mother as an unemployed boy. Disdaining to be idle, I sought and obtained work with Mr. James Parish, the cabinet-maker. I gave signs of promise at this trade, and after working with him several months he called upon my mother to bind me to him as an apprentice, saying that he would teach me the trade upon no other terms. Her experience with the apprenticeship of her first son not being entirely pleasant, she had resolved not to bind out another child, and so informed Mr. Parish. He insisted upon his terms, but she firmly declined, and thus ended my career as a cabinet-maker. I was thus once more an idle boy, but very impatient to get to work. My brother John had by this time opened a tailor shop in copartnership with Mr. Farley, and into this I went to work, though with reluctance, because I had an aversion to the life of a tailor, sitting cross-legged on a hard bench in a stooping position, steadily stitching with a needle. But to me it seemed this or nothing, and at it I went and was learning well, when Mr. Samuel McAlilley, coming in this office in the late fall of 1848, saw me on the bench. He had at more than one school examination tested my knowledge of mathematics and of Latin and Greek. So, seeing me on the tailor's bench, he in his usual abrupt style asked me why I was not at school. I informed him that my mother was no longer able to send me to school, and that I was compelled to work for a living. He told me that he desired to send his two boys to school, but the distance was a little far for them to walk alone, and that if I would come out and live with him and take his little boys with me daily to school, and take good care of them, he would board me and send me to school for one year at his expense. I thanked him and gladly accepted his proposition on condition that my mother would approve it. This she gladly did.

Accordingly, when January, 1849, came, I went out to Mr. McAlilley's, a distance of a mile from town, to take up my abode with him. I found him engaged in killing hogs, and their number was great. He was sitting near the fire reading a newspaper, whilst the hands were busy around him with the work of killing and dressing hogs. I approached timidly, but he did not seem to notice me. I walked around the fire and passed very near him. Still he read on. At last I spoke to him. In a very brusque tone he desired to know my business. I reminded him

of his proposition, and informed him that I had come to take charge of his boys and go to school. He replied that he had concluded to defer for a year sending his boys to school. My heart sank as he ceased further to notice me and resumed his reading. However, as I turned sadly to walk away, he said to me: "Go home and go to school for a year and I will pay the bill." I thanked him, and, returning home, told my mother what had happened. She gladly consented for me to enter the academy again.

The school was in charge of Mr. Giles J. Patterson, a recent graduate of the South Carolina College. I found that my old classmate, Thomas McLure, Jr., was preparing to go to the same college at the end of that year. I was placed in a class with him in all his studies, and resolved to keep apace with him and prepare myself to enter college, but without the faintest hope of ever having the opportunity to do so. We studied very diligently and gave our excellent teacher great satisfaction. Often did Tom and I talk of what a great place college must be, and often did we express our mutual regrets that I could not go with him.

Robert Jordan, a Chester boy and school-fellow of ours, was already there. During the summer vacation he came home, and talked much with us of college and college life. This increased my desire to go, but there was not a shadow of hope for one so poor as I. The session came and was drawing to a close. The time was approaching when Tom McLure, glorious fellow and boon companion, was to leave me—he to go to college, and I, poor fellow, was to remain at home and do I knew not what.

On a Sabbath day, while sitting in the Baptist church, my mind wandered from the sermon and brooded over my sad lot in not being able to go to college. The thought flashed over my mind that perhaps some friend might help me. In casting about I fixed my mind on Richard Kennedy, Esq., as a kind man and one able to help if willing. I instantly resolved to go to his home immediately after service, lay my desires before him, and petition for help. I kept the resolve to myself, and, on leaving the church, went directly to his residence—the one now occupied and owned by Mr. Hardin. Luckily, I found him alone, and in five minutes had his promise to lend me money. Never in my life was I more surprised and delighted. On informing my

mother and sisters, they wept for joy; and when on Monday morning I told friend Tom of my strangely good luck, he fairly shouted with gladness.

Henceforth we redoubled our efforts to be well prepared, and in due season were informed by our instructor that we were ready. He had been promptly informed of my strange fortune and shared our delight. My dear mother and sisters worked hard but joyfully to get me a trunk and some clothes fit to wear to college. That trunk, purchased of Mr. Leonard Harris, chief clerk of Thomas McLure, Sr., I still have in a good state of preservation, after the lapse of forty-five years.

At that time the merchants of Chester and of all other towns of the State north of Columbia sent their cotton in wagons to Columbia, and, going along with them, sold the cotton and brought back merchandise in the wagons, the merchants often preceding the wagons in buggies or gigs. It so happened that Mr. James Graham, a merchant at Chester, was going down in a buggy at the same time that Thomas McLure, Sr., was to carry his son Tom to college. Mr. Graham kindly consented to carry myself and trunk with him. This saved me the expense of a ride in the stage coach, and made it doubly pleasant, as I and friend Tom rode in one buggy and the two merchants in the other.

I had with me one hundred dollars in bank bills, this being half of what I had borrowed from Mr. Kennedy, he and I deeming it prudent that he had better retain the other half until I should need it. Two hundred dollars was all I asked him to lend me—I, through ignorance, deeming this a very large amount of money and amply sufficient to carry me through. Had I asked for more, I am sure he would have loaned it. But

> "There is a divinity that shapes our ends,
> Rough hew them how we will,"

and I believe it was providential that I then knew so little of the expenses of a collegiate education, as the sequel will show. The journey was to me more than pleasant and full of wonders, for I had never before been beyond the borders of Chester district, and not often over three or four miles from the village. The outer world was to me wonderful, and the city of Columbia

seemed then greater in my eyes than Chicago and the Columbian Exposition seemed in 1893.

Soon after arriving and stopping at Hunt's Hotel, I met the Reverend John Douglas, then recently of Chester. He and his noble wife had been special friends of my mother and family. He was amazed when, in answer to his inquiry, I told him that I was there to enter college. He inquired about my pecuniary means; I informed him of my great financial arrangements. He frightened me by informing me that so small a sum was totally inadequate. He then kindly offered to defray my necessary college expenses from beginning to end, and ask no repayment, provided I should win the first honor, but he made it a condition precedent that I should join the Clariosophic Society. When he was a student of the college many years before, Chester was Clariosophic, *i. e.*, all college boys from Chester district joined that society. But for some years previous to 1849, Chester had become Euphradian, and all my fellow-students from Chester and York were going to join the Euphradian Society. They told me that I must do the same or I would be called a renegade and be despised. I so told Mr. Douglas, but he tried to open my eyes to my real situation and to refute such silly arguments. Douglas Harrison, a former schoolmate of mine in Chester, but then a student of mature years in college, exerted a powerful influence over me. He insisted that Mr. Douglas was unreasonable in his conditions, and that I could get through college by the help of the Euphradian Society. I was thus prevailed on to reject Mr. Douglas' generous proposition and to imperil my chances of an education, but a kind Providence watched over me and decreed it otherwise.

Strange it was that I had not the slightest misgiving as to my ability to pass a successful examination, although I was in fact not so thoroughly prepared as to be beyond danger. My self-confidence was of service to me, and I passed easily on all branches and entered the sophomore class with many others, making a class of over sixty. Friend Tom was equally successful, as were J. Lucius Gaston and J. Brown Gaston, all of Chester, and Samuel W. Melton, of York.

We all secured rooms above the old chapel—I and Melton in one room, the two Gastons in another, and David H. Porter, of Alabama, with John Neely (then of Columbia, but a native of

Chester), the third room, all on the same floor, and the place was called by the boys "Egypt." My friend, Douglas Harrison, a student of small means, had permission from the faculty to board himself in his room, which was much cheaper than to board at the Commons, called Steward's Hall. Knowing now the inadequacy of my own means, I (at his suggestion) applied to the president for the like privilege. This great man, the Honorable William C. Preston, as well as his worthy wife, was kind-hearted and sympathized with needy students striving for an education. I found him and wife alone in his library after tea, and laid my situation and circumstances before them. With great regret he was constrained by the late orders of the trustees to refuse the application, but cheered me by many kind expressions and good advice.

I went away sorrowing, but undaunted in my resolution to study. So successful was I in my labors that at the end of the first session I ranked first in my class. And now came the unexpected, as illustrating the old saying that "It is a bad wind that blows nobody good." Before the close of the first session, owing to some misunderstanding between Professor Brumby, instructor in chemistry, and the junior class (then the largest class in college, numbering over seventy), the whole class rebelled against their professor. Of course, they were in the wrong, but all efforts of the faculty and trustees to convince them failing, the entire class was expelled. The night following this order witnessed a riotous scene in the campus. The expelled students got on a spree, and, assembling near the monument, saturated over seventy copies of Draper's Chemistry with camphine, and, piling them up, made a huge bonfire, around which they indulged in dance and song. All the college gathered to witness the scene, until the venerable Preston arrived and dispersed the boisterous assembly.

Among those expelled was Thomas Bauskett, a son of an eminent lawyer of Edgefield, a warm personal friend of Mr. Preston. Mr. and Mrs. Preston were childless, and usually had as inmates of their home two college boys, sons of special friends. The two thus favored at that time were John Wharton, of Texas, and Thomas Bauskett, of South Carolina, the first then in his senior year, and the last in his junior, and he being expelled, Wharton was left alone as company for the president and wife.

On the next day I was summoned to the president's house, and went with trepidation, fearing that I was to be disciplined for witnessing the riot and hallooing just a little, but participating no further. As I entered his library, where sat the venerable president with his wife and a few friends, to my dismay that venerable man lowered his heavy brows and gave me a piercing look from beneath with his deep blue eyes. Abruptly he said:

"Well, sir, I suppose you know why you are sent for?" I answered in the negative. He then said: "Have you a clear conscience as to the disgraceful proceedings of last night?" Although greatly alarmed, I answered with emphasis: "I have, sir."

He then relaxed his stern brow, and, in the most pleasant manner conceivable, reminded me of the application I had at the beginning made for permission to board myself in my room as Harrison was doing, and how often he and Mrs. Preston had regretted the necessity of refusing me. He then told me of their custom of keeping two students in their house, and having lost Bauskett, they desired me to come and take his place. Mrs. Preston joined her husband most cheerfully in this generous offer, which I with thankfulness and gratitude accepted. Providentially, I was thus given a most delightful home, in which I enjoyed advantages too great to be estimated. This gave me a relief from the expenses of the Commons, or Steward's Hall; and thus my two hundred dollars carried me to the beginning of the next year, when another most fortunate event insured my collegiate education, without which, so far as I could then or can now see, my career as a student would have been cut short. The Manning scholarship became vacant.

Governor John L. Manning, of Clarendon, had established a scholarship by depositing in the banks of the State of South Carolina five thousand dollars, the annual interest of which at seven per cent. should be devoted to defraying the educational expenses of a worthy poor student, with the condition that, proficiency in learning being equal, an applicant from Sumter (of which Clarendon was a parish) should have the preference.

Luckily for me, there was no applicant from Sumter, and only one other from my class. The faculty, controlled by the standard of proficiency, awarded the place to me, as I had maintained the highest stand in the class from the beginning.

Having thus the annual sum of three hundred and fifty dollars to draw on through the president of the college for my support, I was enrolled to prosecute my studies free from further anxiety. It is needless to say that I worked cheerfully and with a will. In spite of earnest competition by other classmates, I graduated in December, A. D. 1852, with the first honor in a class of nearly fifty laborious students, most of whom were older than I and possessed superior early advantages. In the class were such talented young men as David H. Porter, J. Lucius Gaston, S. W. Melton, LeRoy F. Youmans, Waddy T. Means, J. Brown Gaston, Peter L. Griffin, and others of like talent too numerous to mention. To win the first place in such a class was an honor to be proud of.

How happy was I on my return home to receive the blessing of my dear mother. But I could not remain with her long, as the battle of life was before me and required to be stubbornly fought. Before, however, I speak of my subsequent career in life I must recur to my pecuniary resources in college and supply important omissions.

During my first vacation I got a singing class of fifteen or twenty of the young people of Chester and gave lessons in vocal music and realized forty or fifty dollars from the labor. This was in the summer of 1850. During the vacation of 1851 I assisted my preceptor, Giles J. Patterson, in teaching his large school in the Chester Male Academy, and realized fifty dollars from this source. During the vacation of 1852 I was called to Spartanburg by the Reverend John McCullough to take charge of his private school of twenty-five boys. Here I worked laboriously for three months, and received one hundred dollars and my board for my labor. It will thus appear that my vacations were not periods of rest and recreation, as they should have been, and that I did not break down in mind and body under this incessant strain is surprising, and proves that I was blessed with a strong constitution.

MY SUBSEQUENT CAREER.

Having graduated, I found myself penniless and under the necessity of seeking without delay some occupation which would bring me immediate remuneration. I could not begin the study of law or medicine for want of means. I therefore resolved to

teach school. A classmate and fast friend, W. W. Irby, of Marlboro, hearing of my purpose and knowing my circumstances, one evening prior to the delivery of the graduating speeches, as we walked up to the American Hotel, called my attention to the academy in Bennettsville and an advertisement for a teacher. I at once resolved to apply, and he cheerfully offered to aid me in securing the place. At once I fortified myself with strong testimonials from the entire faculty and forwarded these with my application. I was also introduced by Doctor Thornwell, who was then president of the college, to Charles A. Thornwell, Esq., his brother, who was a member of the Legislature from Marlboro, a prominent lawyer of the Bennettsville bar, and one of the board of trustees of the Bennettsville Academy. Having sent forward my application, as soon as I delivered my commencement oration and received my diploma I hastened home, which we could then reach by the Charlotte and Columbia Railroad. In the course of two weeks I received notice of my election as principal of the academy at Bennettsville, the term to begin early in January. To reach that town, so distant from Chester, I had to borrow money. My old friend, Mr. James Graham, of Chester, who first carried me to Columbia to enter college, kindly loaned me twenty-five dollars with which to reach Bennettsville. I went by rail to Columbia, spent a night there, after supper at the hotel strolled down to the campus alone, and as I gazed around at the campus and buildings, tears involuntarily ran down my cheeks as the associations of the place and the thought of the broken ties of love and friendship came upon me. I almost wished I was a student once more. On the morrow I traveled by rail to Kingville, and thence to Florence, then existing only in name, as the only structure was a pine board shed and all else a pine forest, this being January 7, 1853. I there took stage, and on the evening of the 8th reached Society Hill, having passed through Darlington village. On the morning of the 9th of January, 1853, my landlady, Mrs. Douglas, put me in charge of her son John, a youth, who carried me in a buggy to Bennettsville, which we reached a little after midday. There was an immence crowd of people in the public square, and upon a gallows sat a white man to be hanged for murdering his slave. I was lodged at Mr. Philip Miller's hotel. I met my friend, W. W. Irby, who introduced me to some of the trustees

and citizens, among them an acquaintance of my boyhood, Doctor J. Beatty Jennings, whom I was rejoiced to meet again.

In a few days I took charge of the academy with a large number of pupils and began at once to labor with great zeal as an instructor. Life in the school room and village I found pleasant, and, omitting details, I merely remark that at the end of the year I found the trustees and patrons satisfied, and I was reëlected for another year. During the vacation of December, 1853, I visited my mother and friends at Chester, and, with great pride and satisfaction, repaid Mr. Richard Kennedy the two hundred dollars he had loaned me, and to Mr. Graham I paid the twenty-five dollars borrowed of him, neither one being willing to accept interest, and bought of Mr. Jordan Bennet a double-case silver watch for forty-five dollars cash, which watch, after the lapse of more than forty years, I am still wearing—a good time-piece yet, and the only one I have ever owned.

In the 4th day of May, 1854, I married Mary, the eldest daughter of my landlord, Mr. Philip Miller, a beautiful girl of sixteen years, I being twenty-two years old. On the 1st day of January, A. D. 1855, we began housekeeping. Like an imprudent young man, I purchased a more expensive house than I was able to pay for, and furnished it too liberally. For four years I labored to pay for the premises, but failing to do so, I got rid of it and purchased and moved into a smaller house, a wiser but poorer man, with a rapidly increasing family.

Having taught school four years, I was solicited to continue another year, and the school was tendered me again, but the labor was very irksome, and I was becoming very tired of the arduous duties of the pedagogue. So I declined the offer and resolved to study law. I visited my mother in December, 1856, and brought her to Bennettsville to live with me. On the first of January, 1857, I opened for the first time in my life a law book and began the study in earnest, reading in my own private study day and night. It is to me a wonder that my health was not destroyed by the strain, for in four months I had read and reviewed the entire prescribed course of study, and also the series of "cramming," consisting of a manuscript book of questions and answers. In May, 1857, I started to Columbia to stand my examination. A great freshet was in the Pee Dee at the time, and John B. Irby, Esq., sent one of his stout slaves in a

canoe with myself and trunk. By dint of paddling and wading and pulling, this negro conveyed me over four miles of water, through woods, fields and swamps, until we reached the Cheraw bridge. He then shouldered my trunk and we ran over a mile to the depot, and I got on the rear platform of the car as the train moved off, the negro throwing my trunk on at the same time.

Providentially, I reached Columbia in time for the examination, and was so fortunate as to be admitted to practice in the courts of the State. On my return home I began the study of the equity course, and was admitted to that branch of practice in the following December, thus having read and reviewed both courses successfully in one year, a task which I would not advise any one to undertake. Necessity alone drove me thus to over-exert myself. From January, 1848, to January, 1858, I had been compelled, without rest or recreation, to over-exert myself in mental labor, and during the last four years of that period I had on my hands the care and anxiety of supporting a wife and children.

In 1858 I ran for the Legislature, and had, perhaps, the misfortune to be elected. However, in serving a term I profited from my experience, gaining knowledge much needed and which would not have been acquired otherwise. I declined to seek another term, and devoted myself assiduously to my profession, being convinced that seeking and holding an office merely of honor and trust is injurious to a young lawyer depending entirely upon his practice for a livelihood.

In 1857 my income was one hundred dollars, half of this being in corn. By securing the appointment of magistrate I made, with that and my practice, three hundred dollars in 1858, and in 1859 about four hundred and fifty dollars. In 1860 my income increased to six hundred dollars, and then came the Confederate War, finding me largely in debt. I entered the army as a private soldier in the company commanded by Captain J. A. W. Thomas, of the Twenty-first Regiment, South Carolina Volunteers, commanded by Colonel Robert F. Graham, and stationed at Georgetown. After exercising much in drilling, I received from Adjutant-General States Rights Gist, of General Ripley's staff, the appointment of drill master with the monthly pay of thirty dollars, I being the only one not a graduate or student of the

Citadel Academy to whom such an appointment was given. The pay of a private soldier was eleven dollars a month, so that the office of drill master with the monthly pay of thirty dollars was a blessing to me who had at home a wife and four small children to support, our eldest, a fine boy, having died in January, 1857.

Having shown myself to be an efficient drill master, I next received the appointment of adjutant of the Ninth Battalion, commanded by Lieutenant-Colonel A. D. Smith, and stationed on Waccamaw Neck, near Murray's Inlet. Here we remained until April, 1862, when we were transferred to Charleston and went into camp at Magnolia. A general reorganization of the Confederate army was ordered in May, 1862, and enlistments for the war required. At this reorganization of the Ninth Battalion I was elected major. From here we were transferred to Secessionville, and on the 16th day of June were in the heat of that desperate battle, and did our full share in achieving the victory. This was our first experience in battle, and the officers and soldiers behaved in a praiseworthy manner. After this we remained at Secessionville, on James Island, watching the superior force of the enemy, and occasionally skirmishing, but encountering no general engagement. In September we were ordered to Church Flats, where we formed a part of the brigade of General Johnson Hagood. Our duty here was to guard the coast against the invasions of the Federals, who, however, gave us very little trouble. During the winter of 1862 our battalion of seven companies had consolidated with it the battalion of three companies under command of Major S. D. M. Byrd, stationed at McClellanville, on the Santee. These reported to us at Church Flats, and by virtue of this consolidation the regiment thus formed was called the Twenty-sixth South Carolina Volunteers, and I was promoted to the rank of lieutenant-colonel, and Lieutenant-Colonel A. D. Smith was made colonel.

Under the army regulations, if a smaller battalion is consolidated with a larger so as to make a regiment, the major of the larger battalion will outrank the major of the smaller, regardless of dates of commission, and will be entitled to the lieutenant-colonelcy of the regiment, and hence my promotion over Major Byrd, we having seven companies and he only three.

We remained at Church Flats in comparative idleness and comfort until April, 1863, when we were ordered to Mississippi

and incorporated into the brigade of General N. G. Evans. We were in the Jackson campaign, including the nine days' seige of that city. After retreating from there, the brigade was ordered back to South Carolina, arriving in Augusta, and participated in the defense of Charleston until March, 1864. We were then sent to North Carolina and joined Hoke's Division in the march to Newbern, from which place we were sent by forced marches to protect Petersburg, and on the 20th of May fought General B. F. Butler between the Appomattox and James River at Clay's Farm, or Warebottom Church. We continued to hold the Federal forces in check on this line of defense until the 16th of June, when, to meet Grant's flank movement, General Bushrod Johnson's Division, of which our brigade formed part, was hastily thrown across the Appomattox and in front of Petersburg. We had severe fighting with Grant's force on the 17th and 18th of June, and from that day to the end we were defending Petersburg, and were under constant fire until March 1, 1865. We suffered severely at the battle of the "Crater," many of our brigade being killed and overwhelmed by the springing of the mine beneath us, and many perishing in the desperate hand-to-hand struggle to recover our lines. On March 1, 1865, our division was moved out of the trenches and sent into camp at Burgess Mill, near the Boydtown plank road. On the 25th we were ordered back to Petersburg, and on the morning of the 26th of March fought the battle of Fort Steadman in conjunction with Gordon's Corps.

Returning to Burgess Mill on the night of the 26th, we on the 28th had at that point a severe engagement with Sheridan's flanking column, under General Chamberlain, of Maine. On the next day we moved up to Five Forks, and thence on the 31st in the vicinity of Dinwiddie Court-house, all the while checking Sheridan's efforts to reach the South Side Railroad, our only source of supplies. On April 1, 1865, we fell back to Five Forks, where in the afternoon our force of eight thousand worn-out, half-clad troops, under General Pickett, were attacked by the whole of Sheridan's well-equipped army of twenty-five thousand fresh troops, outflanked, cut to pieces and routed.

Here it was, April 1, 1865, that I received my only serious wound, being shot through the body just below the left lung at close quarters by a Minie ball. I was carried from the battle-

field to Ford's Station, on the South Side Railroad, and there left as if to die. I fell, a wounded prisoner, into the hands of the enemy on April 2d, and lay upon my mattress on the floor of the house of Mr. Pegram, the station agent, without medical attention for six weeks, by which time, by the blessing of Providence, I was sufficiently recovered to be paroled and begin my journey homeward.

To narrate the circumstances of my being wounded, how I was carried from the battle-field, how I lay for six weeks dressing my wound only with a wet rag, my recovery, my parole by General Chamberlain, of Maine, my difficult journey home over railroads torn up and being rebuilt, first to Burkesville, thence to Danville, thence to Greensboro, where I lay for three days in a hospital, thence by interrupted railroad rides to Charlotte, North Carolina; how I providentially met my Colonel, A. D. Smith, with a conveyance and was brought by him to Marlboro, and from his father's home was brought by Mr. Robert Hamer to Bennettsville, and was thus presented to my family and friends, who received me as one risen from the dead, for all reports concurred in stating that I was killed on the battle-field, —I say, to give the details of this would consume much space and read like a romance. Suffice it to say that I reached home about the middle of May, very much enfeebled, but practically out of danger from my severe wound.

My wife, believing me to be dead, had left our humble home and taken shelter with her widowed mother. All seemed ruin, desolation and despair.

Bennettsville had been the camping ground of Sherman's army and the county of Marlboro had been devastated by that ruthless band of marauders. This simple statement is sufficient to give an idea of the desolation left behind. We returned to our little two-room cottage without food, raiment or bedding. My profession seemed to be of no value to me, as the laws were silent and the courts closed. I at once opened a private school for boys, and by laboring in this half the day and giving advice in my office in the afternoon, began to get a little money and bread. The first meal I got was by taking it most gladly as a fee for writing contracts between farmers and their laborers under the prescribed regulations of the Freedman's Bureau. Such was my employment during the summer and fall of 1865, and in this way

we got food and clothing. Under the Provisional Government the courts were opened in the fall and winter of that year.

On the 1st of January, 1866, I formed a copartnership with Samuel J. Townsend, Esq., and the courts being now open, business began to flow in steadily and good fees to be paid. This copartnership continued until his untimely death on the 20th day of May, 1870, during which time I had paid off an ante-bellum debt of two thousand dollars and otherwise improved my circumstances pecuniarily. It taxed the energies of both of us to keep up with our increasing business, and after his death I had to call in to my help, as copartners, two young attorneys, H. H. Newton, Esq., and J. Knox Livingston, Esq. After a year or two, Mr. Livingston formed a copartnership with Messrs. Townsend and Covington, and Mr. Newton continued with me several years longer.

On the 14th of February, 1878, I was elected to the office of Judge of the Fourth Judicial Circuit as successor to the Honorable C. P. Townsend, who had held the office since 1873. To the duties of this office I devoted my time most laboriously until, after sixteen years' service, I was succeeded by the Honorable Richard Watts, of Laurens, owing to the tide in politics by which Tillman and his faction came into power. My career as a circuit judge of South Carolina began February 14, 1878, and ended February 14, 1894. The manner in which I discharged my duties in this exalted and responsible office is known to all the people, but especially to the bar of the State. It does not become me to speak of it. I will say, however, that during this long period I never missed a court, nor was I ever behind the hour appointed for its opening, and during the entire time I was never prevented by illness or other causes from holding court for the full day's work but once at Mt. Pleasant when I fell ill. I will further state that I began my official career with the firm conviction that it is the duty of a judge to decide cases and render judgments promptly. Justice delayed is justice denied. Hence I never carried a case home with me to labor on during vacation, but invariably decided them in term time and in open court. A fully argued case I never pocketed, but decided all such during term time. The observance of this rule forced me to labor hard and late at night writing decrees, and endangered my health, but I adhered to it. Of course, many of my decrees were perfunctory

and did myself injustice. But I was willing to sacrifice myself to promote the ends of justice and to dispatch business. My aim was ever to know no master but the law, and to be scrupulously loyal to this my only master. The high and the low, the rich and the poor, the black and the white, were weighed in the same scales and measured by the same rule.

In my domestic relations I have earnestly endeavored to discharge the duties of husband and father. Our afflictions have been great, in having lost ten of our fourteen children—six sons and four daughters—so that we have no surviving son, but four living daughters, three married and one single. My wife has borne her heavy affliction with Christian patience and fortitude, and I have tried to follow her example. Our worldly possessions are small, consisting of a comfortable home and a small piece of land near the town, with some insignificant improvements on it, but yielding almost no income. Of surplus money we have none, and I am forced to resume my practice of law with what success the future can determine.

I wish to remark that my memory of my childhood and early life is very distinct, and all the foregoing has been hastily written entirely from memory and from no records or memoranda. I was but a little over four years old when my father died, but I have a distinct recollection of him from the time I was two years old, and can relate many occurrences, from then until his death, with which he was connected, and have a most vivid recollection of his last illness, his death and funeral.

For the encouragement of poor boys desirous of acquiring an education, I wish to say that for a year or two before going to college I had to study much at night, but my mother could not furnish me with a light. She and her daughters had to sew late at night by the light of a single tallow candle, but they could not supply me with this luxury, so I was forced to improvise a light for myself, and it was done in this wise: I saved all the bacon gravy each day to be had from the scrapings of the dinner plates, and this I put into an old tin plate. I placed in this a twisted cotton rag or string, leaving one end to project over the edge of the plate. When night came I took this plate and my books into the rude log kitchen. Placing it on the edge of the pine board dining table, I lighted the end of this crude wick, and, drawing up my chair, studied by this dim light until a late

hour at night. If it was cold weather I drew around me a quilt to keep me partially warm, for entire physical comfort was impossible and not expected. Under these difficulties I prepared myself for college, using mostly borrowed books, my mother being unable to buy books for me.

To study ancient history I used the copies of Goldsmith's Greece and Rome, borrowed from the Sunday school library, and these I studied at home without a teacher to guide me. How true it is that "where there is a will there is a way."

JOSHUA HILARY HUDSON.

Bennettsville, S. C., Sept. 9, 1897.

Judge Hudson is now State Senator from Marlboro county.

JUDGE THOMAS THOMSON.

Thomas Thomson was born in Scotland on the 5th of June, 1813, and went to Abbeville, South Carolina, in his youth. After he grew up he taught school for a time and studied law under the Honorable Armistead Burt. For many years he was associated with Colonel Robert A. Fair in the practice of his profession, the name of the firm being Thomson & Fair. At the bar he stood deservedly high, his tastes causing him to prefer civil practice. There was no lack of substantial recognition of his ability, and he amassed sufficient to make him independent of the chances of the future. In Abbeville district he had his home until the end. There he made his reputation, and there in consequence he was best known. In 1846, Judge Thomson was elected a member of the State Legislature, distinguishing himself there by the cogency and brevity of his uttrances. With the exception of two terms, he served continuously as Representative and afterwards as Senator until 1868. When the State seceded, exchanging the gown for the sword, he went into service as captain of a company from Abbeville in the Second Regiment of Rifles, rising step by step to the rank of colonel. His bravery was everywhere conspicuous, and he enjoyed the full confidence of his men.

Upon his election as State Senator in 1862, Colonel Thomson resigned his commission in the army.

He was a member of the coöperation convention in 1851 and as a member of the secession convention in 1860 signed the ordinance of secession. From the time of the dissolution of the State Government, prior to the Reconstruction of 1868, he remained in private life until February, 1878, when he was elected by the General Assembly Judge of the Eighth Judicial Circuit, receiving one hundred and thirty-seven of the one hundred and thirty-nine votes cast. The next month he was elected a Judge of the Court of Claims, before which the issues involving the validity of a portion of the State debt were tried. Judge Thomson delivered the leading opinion of the court, sustaining generally the report of the bond commission.

Judge Thomson was at one time, under the old judicial system, a prominent candidate for chancellor, and came very near an election.

When the General Assembly was called on to elect circuit judges in 1878, Judge Thomson was looked upon as the man of all men to place upon the bench. In the discharge of his duties he was patient, courteous, conscientious, and painstaking.

Judge Thomson was an elder of the Presbyterian Church, enjoying the fullest confidence of his associates. The office of treasurer of the De La Howe fund he held for many years, and managed to protect it and keep it intact during the Radical era in South Carolina.

Judge Thomson was married first to Miss Eliza Allen. Three children of this marriage reached maturity. Second, to Mrs. M. M. Hollingsworth, whose maiden name was Gomillion. Of this marriage four children survived.

The death of Judge Thomson, which occurred at his home in Abbeville on May 6, 1881, was wholly unexpected; there was no illness or loss of mental vigor to prepare the public for the loss of one whose career was marked by eminent talent in his profession, by gallant service during the Confederate War, and in every relation of life by steady, modest worth. Not offensive or impulsive, he was amiable to those whom he liked and a firm friend of those whom he trusted.

JUDGE THOMAS BOONE FRASER.

Thomas Boone Fraser was born in Sumter district (now Lee county), South Carolina, in the neighborhood of what is now known as Mechanicsville, October 27, 1825. His early education was acquired at Mechanicsville, and in October, 1842, he entered the South Carolina College at Columbia, graduating from that institution in 1845 with second honor. On leaving college he read law with Chancellor Caldwell in Columbia and was admitted to the bar in May, 1847, to practice in the law court, and in 1848 in the equity court. He then (in 1847) returned to Sumter and opened a law office at that place, where he remained until his death. He was elected to the House of Representatives of this State from Sumter county in 1858. He was again elected in 1860, in 1862, and in 1864. He enlisted in Colonel Kershaw's regiment in April, 1861, and was given a place on the colonel's staff. When Colonel Kershaw went to Virginia with a portion of the regiment, in April, 1861, Mr. Fraser remained with that part of the regiment left behind. In July of the same year he was given a place on Colonel Blanding's staff, and accompanied the command to Virginia. He remained with Colonel Blanding's regiment until it was broken up under the conscription act, in the spring of 1862. He served two short terms in 1862-63 and 1864 on the staff of Colonel Witherspoon, at Georgetown, South Carolina. On leaving the army, he held the rank of captain. In 1868 he was appointed chairman of the county Democratic committee for Sumter county, holding that position continuously until 1878, when he was elected Judge of the Third Judicial Circuit for this State. He served in this capacity until 1894. In 1876 he was chosen a member of the Democratic executive committee, of which General James Conner was chairman, and which issued the call for the State convention at which General Hampton was nominated for Governor. This convention originated the movement by which white supremacy was restored in South Carolina. Judge Fraser acted on the committee, of which Colonel A. C. Haskell was chairman, which conducted the memorable campaign of 1876. In the fall of 1877 he was elected to fill an unexpired term of a negro State Senator who had resigned

his seat in the Senate, and was reëlected in 1878, which place he held when he was elected judge. He was a member of the Baltimore convention, which nominated Horace Greely for the Presidency. In 1852 he married Sarah Margaret McIver, the daughter of Abel McIver. Of this marriage three children survived him: Mrs. A. S. McIver, of Birmingham, Alabama, Rev. A. M. Fraser, of Staunton, Virginia, and T. B. Fraser, Jr. His first wife died in 1863, and he married again in 1869, to Elizabeth Witherspoon (née James), the widow of John A. Witherspoon. Of this second marriage one child survived him, Mrs. Mary J. F. Young, of Stockton, California. The second Mrs. Fraser died in 1882. Judge Fraser was the son of Ladson L. Fraser, who was born in 1804 and died in 1889, and Hanna A. Fraser (née Boone), who died in 1883. He was the eldest of ten children. Judge Fraser was at the time of his death, and had been for many years, an elder in the Presbyterian Church.

On the 12th day of December, 1900, he died after a very short illness of congestion of the brain.

JUDGE ISAAC DONOM WITHERSPOON.

By Thomas F. McDow.

May it please your Honor: At the request of the members of the bar, I have been accorded the grateful privilege of asking your Honor to have entered upon the records of this Court these resolutions of respect and esteem for the cherished memory of the late Judge I. D. Witherspoon. It seems peculiarly proper that this testimonial of our regard for him should be offered in this forum, where he displayed the highest quality of an eloquent advocate and the stainless character of an upright judge.

Judge Witherspoon was born in this county on the 7th day of February, 1833, admitted to the bar in 1856, and at once entered upon a large and lucrative law practice. In April, 1861, he was happily married to Miss Margaret E. Wright, who, with two children, W. I. and Miss Leslie D. Witherspoon, survive him.

In August, 1861, he volunteered his services to the Confederacy and was lieutenant of Company A, Twelfth South Carolina Regiment. His health failing him, he was assigned to duty in the commissary department in Columbia, where he remained until the close of the war. On his return home he resumed the practice of his profession and associated himself with that splendid gentleman and accomplished lawyer, the late Colonel W. B. Wilson.

In 1876, when the State called on her sons for deliverance from the rule of the alien and the African, he led the fight in York county, and no one now living in this county will ever forget his wise counsel, nor how his eloquent tongue thrilled and stirred the men of York to redeem the State for white supremacy.

The office of State Senator *sought him* at a time when Carolina needed and called for the services of her strongest and purest sons, and his ability and character so impressed the Senate, then composed of the very flower of South Carolina manhood, that he was elected as its temporary presiding officer, and later was elected to the high and honorable position of Judge of this, the Sixth Judicial Circuit, which office he held until 1898, when he voluntarily retired to private life.

Called by the voice of the people and by the representatives of the State to an exalted sphere of usefulness and honor as a State Senator and a Circuit Judge, he performed his part well and nobly, and fearlessly did his whole duty. His high power as an advocate was derived in a large measure from the earnestness of his convictions and the moral strength and purity of his character. He was an absolutely honest man, honest with himself and honest with courts and juries, and scorned to accomplish his aims by other than high and honorable means. As a judge he was conscientious and painstaking to the highest degree, and his strongest characteristic, as exhibited in his public and private life, was singleness of purpose to know and do what was just and right. On the bench he was dignified, kind and courteous and ever considerate of the feelings of others, without respect to their position or rank in life.

An approachable, lovable man, but of such dignity as to repel and forbid familiarity.

But, may it please your Honor, as distinguished as were his services to the State at the bar, in the Senate, and on the bench, we, his friends and associates, will love most to cherish his memory as a man; to remember his thoughtful respect and kindness to those with whom he came in contact; his tender sympathy and broad charity to those in sorrow or need; his gentle ministrations to the sick and afflicted in the community, and his readiness always to aid in any worthy cause. He was a gentleman and a most humble and devout Christian, and passed to his last reward in the fear and favor of God, as we believe, and in the respect and honor of all men who knew him.

I know of no man who has lived a more useful, a more beautiful life, nor one better prepared, when he had crossed the bar, "to meet his Pilot face to face."

I say of our departed friend what was said of another distinguished judge: "He has gone; the places that knew him once shall know him no more forever! and in bidding him our last farewell, it can be truthfully said that we shall never again be called upon in this Court to add our tribute of respect to higher manhood, a purer nature, a more refined mind, a sweeter courtesy, or a more becoming modesty, for these in the highest degree adorned and graced the public and private career" of Judge Witherspoon.

And now, may it please your Honor, I move the following resolutions:

"1. That in the death of the late Judge I. D. Witherspoon the State has sustained the loss of one of its purest and noblest sons.

"2. That by his conduct at the bar and on the bench, by his learning, his impartiality, his firm convictions of right, steady adherence to duty, and his unfailing courtesy in his intercourse with his fellow-men, he has endeared himself to the members of this bar as one of the brightest and noblest ornaments of our profession.

"3. That we tender to the members of his stricken home the assurance of our sincere and heartfelt sympathy in this their supreme sorrow, and that the clerk of this Court be instructed to transmit a copy of these resolutions to the family of the deceased.

"4. That these resolutions be entered on the minutes of the Court and a blank page dedicated to his memory, and as a further mark of our respect that this Court do now adjourn."

May 1, 1901.

JUDGE JAMES S. COTHRAN.

James S. Cothran, jurist, statesman and soldier, was born in Abbeville county, South Carolina, August 8, 1830, son of Wade S. and Elizabeth (Sproull) Cothran. His father, a native of Newberry county, who made his home at Rome, Georgia, in 1850, was prominent as a banker and railroad president, and died there in 1877, was a son of Samuel Cothran, also a native of South Carolina. His mother, Elizabeth, was the daughter of James Sproull and his wife, Rebecca Caldwell, the latter of whom was a cousin of John C. Calhoun, whose grandfather and hers was William Caldwell, one of three brothers who emigrated from the north of Ireland, first settled in Pennsylvania and later in the Piedmont region of South Carolina. Elizabeth Cothran's father was a soldier of the Revolution; also her uncle, Captain John Caldwell, who, with his wife, was murdered by the notorious outlaw, Bill Cunningham.

Judge Cothran was graduated at the Georgia University in 1852, and then, returning to Abbeville, he read law with Thomas C. Perrin, a distinguished lawyer, State Senator and president of the Greenville and Columbia Railroad. He was admitted to the bar in 1853, and in 1855 he was married to Emma C., the daughter of Mr. Perrin. In July, 1861, he entered the Confederate service as orderly sergeant of Company B, Captain James M. Perrin, of Orr's Regiment of Rifles. Captain Perrin was subsequently promoted colonel of the regiment and commanded it till he was killed at Chancellorsville, and Sergeant Cothran became captain of the company. He served with his regiment in the Army of Northern Virginia, and took a gallant part in the excellent record of the regiment in many campaigns and battles. He was wounded in the battle of Second Manassas, on August 29, 1862, having his right leg broken by a ball; was shot through the right wrist at Chancellorsville, and at Jericho Ford, in May, 1864, received a wound in the face. Finally he was surrendered at Appomattox, after which he resumed his law practice at Abbeville as the partner of his former preceptor, Honorable T. C. Perrin.

He effectually supported the candidacy of General Hampton in 1876 as county Democratic chairman, and was elected Solicitor of the Eighth Judicial Circuit, and in 1880 was reëlected, but he resigned the office in the following May to accept appointment by Governor Hagood to fill a vacancy in the judgeship of the circuit. He was reëlected judge by the Legislature in 1881, and again in 1885, and retired from the office in December, 1886, on account of his election to Congress. He served two terms in the national Legislature with distinction, part of the time as a member of the committee on foreign affairs. In January, 1890, he became division counsel for the Richmond and Danville Railroad, a position which he held until his death, on December 5, 1897, then being a resident of Greenville.

T. P. Cothran.

JUDGE JOSEPH J. NORTON.

Joseph Jephtha Norton was born at Old Pendleton, June 13, 1835. His parents were Miles M. and N. Frances Norton, and he was their only child. His father moved to Old Pickens Courthouse, where the boyhood days of Judge Norton were spent. His mother was a daughter of Reverend Joseph Grisham, one of the most prominent and successful business men of his day in upper South Carolina. His education began at an early age under the best tutors of that time. For several years he was a pupil of Reverend John L. Kennedy. At seventeen years of age his parents went with him to Athens, Georgia, where he matriculated as a student of the University of Georgia, and remained until his graduation in 1855, after which they returned to their home at Old Pickens, and Judge Norton at once entered upon the study of law under Governor B. F. Perry. After twelve months' close application and diligent study he was admitted to the bar as soon as he attained his majority. He located at Old Pickens and devoted himself to the study and practice of his profession for five consecutive years. His rapid rise in his professional career was temporarily suspended by his response to his country's call to arms at the commencement of the War between the States. He cast his lot with that of his people in the appeal to the arbitrament of the sword.

In 1861 he was among the first, with his father, Miles M. Norton, to organize companies, and at the head of Companies C and E, respectively, of Orr's Regiment of Rifles, they were first and foremost in the early battles around Richmond, until the father fell mortally wounded in the second battle of Manassas. In this battle Colonels J. Foster Marshall and Daniel A. Ledbetter were both killed on the field, whereupon Colonel Norton assumed command of Orr's Regiment, a regiment which became one of the most famous in the Confederate army for gallantry and bravery. Colonel Norton continued at the front, participating in every battle in which Orr's Regiment engaged up to the memorable battle of Fredericksburg on December 12, 1862, where he lost an arm. After the close of the war Colonel Norton resumed the practice of law just where he had left off four years

before at Pickens Court-house, and continued there until the division of Pickens district into Oconee and Pickens counties in 1868, when he removed to Walhalla. Here he has since resided. He was soon found in the front ranks of the profession, and enjoying a large and lucrative practice at both the Walhalla and Pickens bars. His career at the bar was eminently successful. His fine mental endowments, combined with ripe scholarship, were not long in winning for him a commanding position as a practitioner. Inspired by a deep love of his profession, and enthusiastic in its pursuit, a profound knowledge of the law in all its branches was the natural result of his studious habits, and until his elevation to the bench in 1886 he held the confidence and esteem of a large and respectable clientage.

But it was in the sphere of circuit judge that the lustre of his peculiar talent shone out most brightly. Nature intends men for different positions in this life. One may be born advocate; another a born judge; this latter Judge Norton certainly was, as shown by the recognition of his eminent fitness for the place by the bar of the entire State so soon after his entry upon the discharge of the delicate duties of circuit judge.

He was elected by the Legislature in 1886, and reëlected in 1890, thus serving two full terms of four years each. His record as circuit judge during these eight years reflected great credit on South Carolina, a State which stands in the foremost rank of American commonwealths for the ability, learning and integrity of her judiciary. His decisions stood the test of the Supreme Court with few reversals. His rulings and decrees in a large majority of cases were affirmed, either wholly or in part, reversal being the rare exception. Besides, comparatively few appeals were made from his decisions, because the lawyers engaged in the cause generally recognized the fact that the legal rights of their clients had been accorded to them.

His bearing on the bench was one of uniform courtesy towards the members of the bar, and he was also distinguished for the patient and painstaking consideration which he gave to every case. Diligence and accuracy, patience and urbanity, firmness and dignity, ever rendered Judge Norton most acceptable to the bar of the whole State, and also won for him a high place in the esteem of the people.

In 1865 he was elected to the Legislature from Pickens district, and served in this capacity for two years. But political offices and honors were not uppermost in his mind, for he ever after declined all political offices.

In his early years he united with the Presbyterian Church at Old Pickens, and at the age of twenty-one he was elected a ruling elder, the duties of which office were performed by him without intermission for forty years. As a Christian gentleman his influence was ever potent for good. He lived the creed which he professed, and had as complete control over his appetites, desires and passions as it is possible for man to obtain. Temperate in the use of all things proper and lawful, and abstaining from the use of all things harmful in their nature or effects, his whole life was one of regularity and precision in the observance and discharge of his religious duties. He contributed liberally of his means, time and talents towards the furtherance of the Master's kingdom. One of the finest phases of Judge Norton's character was that displayed in the home circle. He paid the most gentle and affectionate devotion to the members of his household.

On March 29, 1860, he was happily married to Miss Tabitha A. Campbell, daughter of Doctor R. E. Campbell, of Laurens, South Carolina. To them four children were born, three of whom survive—two daughters and one son. Judge Norton died on the 20th of June, 1896, at his home in Walhalla, after an illness of three weeks. His death was quiet and peaceful,—a gentle falling on sleep.

In all the relations of life Judge Norton was found to be a true, noble and manly man. He was one of Nature's noblemen. As soldier, lawyer, judge, citizen, husband, father, he was the same conscientious Christian gentleman, who sought everywhere and at all times the path of duty—duty to himself, to his God, to his country.

JUDGE JAMES ALDRICH.

James Aldrich, the present efficient and honored Judge of the Second Judicial Circuit of South Carolina, was born in Barnwell in 1850. He is the son of James T. Aldrich, a leader of the bar in his section, who died in the prime of his life some years after the close of the war. Judge Aldrich had, in very early youth, the advantages of educational facilities, for while his father was not a man of large means, he gave his children, as well as their tender years would permit, every educational advantage. The Judge was sent to the best village school until he was ten years old, when, after his father had entered the Confederate service, his mother left Barnwell and resided on the plantation of her father, the late Honorable Angus Patterson, on the Edisto river, near Midway, South Carolina. Those were trying years. All of the men of the family were in the army, and the Judge, while not in his teens, had to look after stock, carry out directions as to the management of the farm, and work in the manner usual among the boys of those days. He remained there until 1864, when, upon the near approach of the Yankees, his mother returned to Barnwell. His mother, a graduate of the old Limestone College, and a remarkably intelligent woman, taught her own children herself and laid the foundation for higher and more advanced studies.

Just before the close of the war, Judge Aldrich, then but fourteen years old, joined the company of Captain Robee, one of the companies made up, as it is said, of the "cradle and the grave"—children and old men. When the Judge got back home, Sherman's raiders passed, and he found his mother and sisters in the greatest distress, in actual need of bread. He had saved two horses and a wagon by taking them along with his company, and after making one or two trips among his father's friends who had not been raided, and procuring from their plantations food for the family, he went back to his company. This company saw but little of the war, it was nearly over when it was organized, yet it taught the boys lessons of patriotism, love of liberty, and that patient endurance so well calculated to make true men of them.

The war ruined his father. He lost the accumulation of his life, except his residence. After the war, when everything looked hopeless and poverty and want were felt everywhere, the Judge went to work. Until the railroad from Branchville to Augusta, Ga., which had been destroyed, was rebuilt, he hauled goods for the merchants. This lasted for several months, and then the Judge hauled goods from Blackville to Barnwell for the merchants, and made crops on a little farm.

It was not until he was nineteen years old that he could get off to school. In 1869, as the South Carolina College was about to throw its doors open to the negroes, and the Citadel was closed, he went to Virginia and entered Washington College (now Washington and Lee University), at Lexington, Virginia, then presided over by the great president, General Robert E. Lee. Though not well prepared for college, he determined, if possible, to take the master degree. At the end of his third year, owing to the failing health of his father and his inability to help him further, he was compelled to stop. He stood high in all his classes, and had completed, with high distinction, several of the courses required to win the master's degree. He took an active part in his literary or debating society, and won a number of its honors. As its representative he appeared in one of the college debates, and his speech on that occasion attracted considerable attention. He presided over the society the last night he spent in the university.

In July, 1872, he began the study of law and was admitted to the bar in January, 1873. He made Aiken his home, and at once began the practice of his profession. As his income was very small, he obtained employment as editor of a local paper, and as the correspondent of several daily papers and periodicals. He had no spare time, as his days were given to his profession and his evenings to his newspaper work. In a year he had won position and a growing practice at the bar, and from then on he devoted his time and energies to his life-work.

With him the study of the law was never a side issue or a mere means of earning a living. It was "a labor of love," and time and success has only increased that love. This devotion to the law has been noticed all over the State. In his charges to the jury, the law, instead of being dry and uninteresting to the jurors, appears as a grand and beautiful science, "the perfection"

of human reason, ever ready to sustain lawful power and to protect the oppressed and down-trodden. His rise at the bar was sudden, but it was easy, continuous and sure. No attorney was ever more popular with his brethren of the bar, or won and retained the confidence of the people in a higher degree.

In 1876 he was one of the attorneys selected by the defendants in the so-called Ellenton and Hamburg "riot cases." In the former he aided in defending nearly two hundred of the best men of Aiken and Barnwell counties in the United States Court, and in the latter over sixty of the leading men from Aiken and Edgefield counties in the State courts. Judge Aldrich's speech in Charleston, before Chief Justice Waite and Circuit Judge Hugh L. Bond, because of its force, eloquence and boldness, created a great sensation at the time, and is said to have been one of the finest speeches ever heard in that court. While many of the cases resulted in mistrials, the United States Government, represented by Corbin and Stone, never did or could convict a single man. The prosecution of these men was for political purposes and was conducted in a most brutal manner.

These prosecutions seemed as if they would never end, and the Judge, thinking that patience under such circumstances was not a virtue, determined to "carry the war into Africa." General James Conner, then Attorney-General, appointed him a special assistant with power to conduct prosecutions. He sought high offenders, such leading Radicals as Speaker Samuel J. Lee, General Prince R. Rivers, and several others were convicted of larceny and on the road to the penitentiary, besides procuring "true bills" against over fifty others. This was something not expected. Several of the "leaders" fled the State, and others began to beg for quarter. No one seems to know exactly how it was done, but "the exchange of prisoners" took place very soon after these convictions, the result of which was the Democrats were let alone and Radicalism subsided.

In 1878 the people of Aiken elected Judge Aldrich to the House of Representatives, and for twelve years (with a single intermission, when he declined reëlection) he was returned as a member, and, with one exception, as the chairman of the delegation. The whole of Aiken county were justly proud of their Representative, and the love of Judge Aldrich for the people of that county is as deep as it is earnest and sincere. In the Legis-

lature Judge Aldrich soon took a leading part, not as a partisan, but as an intelligent, broad-minded legislator. He never seemed to care about "up-country" or "low-country," but acted upon every measure upon its merits without the slightest regard to anything else. With the single exception of his election to the bench in 1889, he never asked for any honor in the gift of the House, though his name was often mentioned in connection with high positions. To these suggestions his invariable answer was "I do not care to accept any position out of the line of my profession." Colonel Sloan said of Judge Aldrich: "He can come nearer carrying the House with him on a measure than any one I have ever seen upon its floor." The old Colonel may have stated his opinion in rather strong terms, but no member ever won the respect, confidence and admiration of his associates more fully than Judge Aldrich did.

In 1882 his name was placed in nomination for the office of Attorney-General in the Democratic convention, but he had his name withdrawn, as he could not afford to give up his practice and move to Columbia.

When elected Judge of the Second Circuit in 1889 he was the youngest man by many years then on the bench, and is now still on the bench at the age of fifty-six years. As a judge he sustained his reputation as a jurist, and is an honor to the State. His quiet dignity, courteous manners, consideration of lawyers, officers of court, jurors and witnesses, show that he is a true gentleman, and the good order kept in the court room, his prompt and able rulings, his clear and easily understood charges to the juries, and his able and well-written decrees, have established his reputation as an impartial and learned judge.

JUDGE JAMES F. IZLAR.

It is a pleasing privilege, as well as an instructive lesson, to record the lives of men of high intellectual and moral worth. The subject of this sketch deserves to be remembered among those who have honored their State and left an enduring impress upon their times.

Judge Izlar is descended from a fine old Orangeburg family. He was born in Orangeburg county on the 25th day of November, 1832, where his ancestors have resided for four generations. He was the eldest son of William H. and Julia Pou Izlar. His boyhood days were spent on the plantation of his father, who was one of the most successful planters of his day.

Judge Izlar early developed a love for books. He was not only fond of reading, but distinguished himself as a painstaking, thorough student. He first attended school in Orangeburg county, and afterwards was sent to Fish Pond Academy, in Barnwell county, where he was prepared for college. He entered Emory College, at Oxford, Georgia, in 1851, joining the freshman class, and graduated in 1855 with the first honors of his class.

It was at college that he laid the foundation upon which his future eminence was built. While he devoted himself with assiduity to the studies of the recitation room, he delighted in the exercises of the literary societies, and won a high reputation as a clear and logical reasoner and ready debater. After teaching school a year, he read law in the office of Thomas J. Glover at Orangeburg for two years, and was admitted to the bar in 1857, having passed a satisfactory examination before the Court of Appeals, and was admitted to practice in the court of equity in 1858.

At the time of his admission, the court of law and the court of equity were separate jurisdictions, and it was necessary to pass two examinations. He at once commenced the practice of law at Orangeburg, and from the first was successful, although in those days of great lawyers it was a difficult task for a young man to establish a practice.

Upon the breaking out of the late Civil War, Judge Izlar promptly volunteered in the first company that was organized in his county, the historic Edisto Rifles. This company formed a part of the First Regiment of South Carolina Volunteers, commanded by General Johnson Hagood. At the end of the first twelve months' enlistment, the Edisto Rifles were assigned to the Twenty-fifth Regiment, commanded by Colonel Charles H. Simonton, now United States Circuit Judge, and formed a part of the famous Hagood Brigade. Judge Izlar was, at that time, promoted to the captaincy of his company, which command he held until the close of the war. His company was on duty at Fort Sumter and later at Fort Wagener. It composed a portion of the garrison at Wagener during the last days of the siege, and only left it on the night of the evacuation. The command having been transferred to Virginia, Captain Izlar participated in the battles of Swift Creek, Drury's Bluff, Cold Harbor, Weldon Road, and in the trenches around Petersburg.

In December, 1864, the brigade was sent to North Carolina, and the Edisto Rifles were stationed at Fort Fisher, where Captain Izlar was captured on the night of the 15th of January, 1865, after one of the most terrific cannonades that occurred during the war. He was confined as a prisoner of war in Fort Columbus, on Governor's Island, New York, until his parolment at the close of hostilities.

Here his military career ended after a continuous service of four years, during which time he conducted himself with distinguished gallantry. Having served his country to the final issue with unfaltering devotion, he returned to his devastated home, and with characteristic courage and energy devoted himself to the practice of his profession.

He suffered no relaxation in his efforts to become a master of the profession he loved, and carried the habits and diligence of the student in the office of the lawyer. Close attention to business, and thorough preparation of the causes intrusted to his care, soon won him clients, and his rise was marked and rapid. While he devoted himself with unremitting diligence to the study of the law as a science, he did not neglect more graceful and generous studies, nor did he forget to qualify himself for a life of activity and business by gaining a practical knowledge of men and the affairs of the world.

Shortly after his return from the war he formed a copartnership with the Honorable Samuel Dibble, which existed for eleven years and until Mr. Dibble was elected to Congress. This was one of the best known law firms in the State, and commanded an exceptionally large and lucrative practice. Judge Izlar was universally popular. The people of his county trusted him with implicit confidence and as they trusted no other man. The rich and the poor alike regarded him as their friend. They sought his advice and counsel and placed their business in his hands. His practice was so extensive and varied that it taxed his strength to the utmost, and, in fact, was limited only by his capacity for work and power of endurance. He was engaged in every important case, civil and criminal, that came before the courts of Orangeburg, and frequently he was employed in every cause that was tried. He was also often retained in important cases in adjoining counties, where he enjoyed a considerable practice. Judge Izlar was not only the acknowledged leader of the Orangeburg bar, until his election to the bench, but he was one of the most successful lawyers in the State. In his management of cases he had few equals. He always fully understood both the law and the facts of his case, was self-poised and cool, an adept in the examination of witnesses, and rarely lost a case when there was a possibility of winning. He was equally strong before the court and the jury. The characteristics of his mind are strength and comprehensiveness. He has almost an unerring perception of the leading points in a subject, and to those he usually directs all his energies. He avoids the error into which so many lawyers fall—of making every possible point in a case. His speeches are strong, argumentative, persuasive, and logical. He rarely attempts to captivate the imagination by the embellishments of fancy and rhetoric, yet when the occasion requires he is impassioned and eloquent, and, in appealing to the feelings of a jury, is seldom rivaled. His efforts on the stump, during his political campaigns, were happy and effective. The plain and practical view which he took of the subject under discussion always interested his hearers, while his wit and anecdote amused them.

Any notice of his professional career would be incomplete without mentioning his great kindness to the young members of the bar. He would gladly go to any trouble to give them assist-

ance. His books and all the time he could spare were at their service.

Judge Izlar has always been an ardent Democrat of the Jeffersonian type, and has from early manhood been prominently identified with the politics of the State. For several terms he was mayor of his own city. In 1866 he was chosen a member of the Democratic State executive committee, and served in that position continuously for twenty years, with the exception of four years, from 1874 to 1878, when he was chairman of the Orangeburg county Democratic executive committee. Judge Izlar was chairman of the State executive committee for ten years, and his influence was pronounced in giving form and direction to the Democracy of his State. He was a member of the Democratic national convention at Baltimore, and again in Chicago, when Grover Cleveland was chosen as the candidate of his party.

Judge Izlar has always taken a deep interest in the cause of education. He was elected a trustee of the South Carolina University in 1881, and held that trust until 1890. Although a graduate of another institution, he has an abiding interest in the South Carolina College, and has always been one of its foremost champions.

In 1880 he was also elected to the State Senate, and served continuously in that body for ten years and until his elevation to the bench. He took an active part in all measures before the Senate, participated in most of the important debates, and was regarded one of its leading members. For six years he was President *pro tem.* of the Senate.

In 1890 he was elected Judge of the First Judicial Circuit by the Legislature. Judge Izlar carried to the bench the profound learning acquired by him during the preceding years of laborious study and practice at the bar. His extensive knowledge of the leading principles of jurisprudence and the adjudicated cases, together with his methodical habits of thought, gave him great facility in dispatching business, and he was recognized as a working judge. His decrees were noted for their accuracy and learning. They firmly fix his reputation as a jurist and will not suffer in the comparison with the ablest opinions in our reports. From the many that merit commendation I mention Tant *vs.* Guess, 37 S. C., 189; Younger *vs.* Massey, 39 S. C., 115; Desportes *vs.* Gadsden, 39 S. C., 131, as worthy of his fame. His

charges to the jury, as they appear in the reports, were admirable expositions of the law, and so clearly put that the jury could readily comprehend the points they had to decide.

The following words of Lord Nottingham, that he adopted as his guide, may be fittingly applied to him: "But what, perhaps, still more raised his judicial fame was the admirable habit which he adopted and which has been revived and recommended by illustrious judges living, of writing the judgment to be delivered in every case of importance, whereby the judge is forced to apprehend accurately both facts and law, becomes fully acquainted with all difficulties and objections before he publicly committed himself by any opinion, and lays down and qualifies his positions with more nicety than it is possible for him to do in an extempore speech."

Judge Izlar was never opinionated. When a question was under discussion he was open to conviction. He sought light wherever it could be found, but when, after thorough research and mature deliberation, his judgment was made up he maintained it with undeviating firmness. In his deportment towards the bar he was dignified and courteous. His uniform kindness has drawn from them the highest encomiums. They never fail to speak in the most complimentary terms of his courtesy, learning and celerity in dispatching business. Certainly no judge ever had higher conceptions of right or was actuated by a more accurate sense of duty. His judicial career was brief, but not too brief for him to gain a lasting place among the great judges who have adorned the bench of our State.

After serving on the bench with distinguished ability for his full term of four years, he, with others, was displaced for partisan purposes. It is well for the truth of history that this fact should be stated, for with us it is seldom that party rancor goes so far as to enter the temple of justice and take from its altars learned and worthy judges.

A prominent journal well said, when Judge Izlar and other distinguished judges were retired: "Four judges possessing learning, integrity, experience; men whose high character not even the tongue of malice could assail; Confederate veterans crowned with the deathless glory of the lost cause; men loyal in every fiber to the State of their birth through all the trials and temptations of Reconstruction; leaders in the Redemption of 1876;

staunch maintainers on the bench of the lofty ideals of a judiciary for nearly a century distinguished for ability and purity; these * * * were deposed and retired because they were what they were."

Upon Judge Izlar's retirement from the bench he was elected to Congress from the First Congressional District. The duties of this responsible position he filled with marked ability. Shortly after taking his seat in Congress he delivered a speech favoring the abolition of the tax on State banks. This speech brought him into prominence, as the currency or money question, as it was then called, was the most important subject then before Congress. He did not seek reëlection, but determined to devote the remainder of his life to the practice of his profession.

This was a brave undertaking for a man of his age without clients or legal connections, but is illustrative of the character of the man. He is never discontented. Neither prosperity or adversity changes him. He seems to take with equal favor fortune's frowns or rewards. He went back to the bar with the energy and enthusiasm of youth, and is now in the enjoyment of a full practice. He has recently formed a copartnership with his brother, Major L. T. Izlar.

Judge Izlar illustrates the noblest virtues of an enlightened and conscientious citizenship. He is public-spirited and liberal and is always ready to assist with his counsel and means in every public or benevolent enterprise. He has been an active promoter of the business interests of his county and State, and was chiefly instrumental in establishing the Bank of Orangeburg, which was the first bank organized in his city. He took great interest in the militia, and was appointed brigadier-general and afterwards major-general by Governor Hagood. He is also a prominent Mason, having taken the thirty-second degree in Masonry, and has held the office of grand master of the State.

His domestic relations are of the happiest character. He was married in 1859 to Miss Frances M. Lovell, of Charleston, South Carolina, a most estimable and accomplished lady. Seven children—three sons and four daughters—blessed this union. He is the kindest of husbands, the most indulgent of fathers.

Judge Izlar is above the medium size, and of commanding presence. In the abandon of social life he is at his best. It is here that his amiability of disposition finds full play. He meets

and mingles with his fellow-citizens on terms of perfect equality, and has nothing of hauteur or assumed dignity about him. He is a charming companion, affable and entertaining. His genial wit, inexhaustible fund of anecdote, and wide information, united with his pleasant bearing, make him a great social favorite. He has always dispensed a generous hospitality and is never happier than when entertaining friends at his delightful home.

Judge Izlar is one of the kindest and most benevolent of men. His generosity is prodigal. This is one of the striking traits of his character. He gives to everything and to every one who applies to him for assistance. Every appeal for charity meets a ready response from him. His nature is so sympathetic and generous that it is doubtful if he ever refused an appeal for aid. He seems to know no value in money, and freely spends his income for the good of others.

Above all, Judge Izlar is an humble Christian. While the religious element is strong in his nature, he is absolutely free from narrowness and bigotry. He is a devoted member of the Episcopal Church.

Judge Izlar's life has been marked by the faithful discharge of every duty, public and private. He is still actively engaged in the practice of his profession, and enjoying the confidence and esteem of those among whom his life has been spent and for whom he has labored and loved, with the promise of years of usefulness and honor still before him.

JUDGE ERNEST GARY.

Ernest Gary was born at Cokesbury, Abbeville county, South Carolina, on the 29th day of January, 1859. He is the second son of Doctor F. F. Gary, who married Miss Mary Caroline Blackburn. His ancestors, both on his mother's and his father's side, took an active part in behalf of American independence, and their conspicuous deeds of bravery are commemorated in history and marble. Judge Gary is a brother of Associate Justice Gary, ex-Speaker Gary, and Mrs. James M. Eason, of Charleston.

After attending the Cokesbury Conference School, he studied law under his uncle, Major Wm. T. Gary, of Augusta, Georgia, and afterwards became a partner at law with his uncle, General M. W. Gary, at Edgefield, which partnership continued until the death of General M. W. Gary in 1881. He then formed a partnership in the practice of law with Captain N. G. Evans, and this partnership continued until his elevation to the bench in 1892.

In 1886, Mr. Gary became a member of the Legislature and was placed on the judiciary committee on account of the reputation he had made as a lawyer. He was reëlected in 1888, and again in 1890, when he was made chairman of the judiciary committee, which position he filled with signal ability and to the satisfaction of his brother members. He was also county chairman of the Democratic party in Edgefield county. He was elected several times to the Democratic State conventions, and in 1892 an elector-at-large on the Democratic ticket, casting his vote for the nominees of the national Democratic party.

His election as Judge of the Fifth Circuit in 1892 was overwhelming, and in 1897, 1901 and 1905 his reëlections were unanimous. Judge Gary has made an exceedingly able judge and has won the high esteem and golden opinions of the bar throughout the State. The ease with which he presides and promptness and correctness of his rulings have been remarked upon time and again. He conducts the business of the court on common sense principles, and from the beginning of his judicial career has been deservedly popular with all the officers of the court and the

jurors, whom he always treats with due consideration and looks after their comfort as far as comports with the orderly discharge of the business of the court.

Judge Gary is an untiring worker, and as soon as the adjournment of the court prepares the decrees in those cases which were heard and could not be disposed of during the term of court. He has worn the ermine worthily, and we wish him many more years of useful service on the bench. It has been said that some of the ablest circuit judges would make but very ordinary justices of the Supreme Court, and *vice versa*. A judge is truly gifted who is adapted to both of these exalted positions. Judge Ernest Gary is well qualified to fill either position.

On November 15, 1905, Judge Ernest Gary was happily married to Miss Eliza Rhett, a daughter of the late Honorable John T. Rhett.

No. 11—Judge R. C. Watts
No. 12—Judge D. A. Townsend
No. 13—Judge Izlar
No. 14—Judge Benet
No. 15—Judge Gage
No. 16—Judge Memminger

JUDGE DANIEL A. TOWNSEND.

Daniel A. Townsend resides at Union Court-house, South Carolina. At the close of the War between the States he went from his home in Marion county (where he labored on the farm till a grown man) to teach school at Union, South Carolina. He graduated with first honor at Davidson College, North Carolina, and at once engaged in the avocation of teaching, which he followed till 1874, except while in the army. He filled the office of county school commissioner six years. On the 4th of December, 1890, he was appointed Assistant Attorney-General by the then Attorney-General, Y. J. Pope (now Chief Justice of the Supreme Court of South Carolina). In December, 1891, he was reappointed Assistant Attorney-General by the then Attorney-General John L. McLaurin. In December, 1892, he was elected Attorney-General of South Carolina, and filled this high position so acceptably that on the 11th day of December, 1893, he was elected by the General Assembly of South Carolina Judge of the Seventh Judicial Circuit for four years from the 15th of December, 1893, and made a fine record.

Judge Townsend served three terms. On the 15th of December, 1905, he retired from the bench full of years and full of honors. He possesses all the qualifications of a judge. He is not only well versed and learned in the law, but he knows how to apply it, always taking care of the unprotected. In the language of the late Chief Justice McIver, he is honest and upright in his dealings with his fellow-men.

Judge Townsend is a most companionable man. To know him intimately is to love him. His modesty is remarkable. In prosperity he is humble, modest, and timorous; in adversity, magnanimous, and equally active and brave.

JUDGE RICHARD CANNON WATTS.

The subject of this sketch was born in Laurens, in this State, on the 15th day of March, 1853, and was the third son of Mr. John Watts and Mrs. Elizabeth Watts, his wife. He had the misfortune to lose his father when a few years old, but he had the good fortune to enjoy the care and attention of his mother until after his manhood. This illustrates the value of a mother's care and instruction. He was admitted to the bar on the 28th of November, 1873, under special act of the Legislature. He began the practice of the law immediately upon his admission as an attorney. He was first associated in the practice of his profession with the now Chief Justice, the Honorable Y. J. Pope, and for six years the firm of Pope & Watts continued, enjoying a lucrative practice. In 1882 he was associated with Colonel B. W. Ball, and this partnership continued until he was elected Judge of the Fourth Circuit on the 1st day of December, 1893, and was commissioned to hold for four years from the 14th day of February, 1894.

He married Miss Aileen Cash on the 3d day of November, 1881, and she died on the 13th day of January, 1895. To this marriage were born two sons and three daughters. After the death of his first wife he married Miss Lottie McIver, the youngest daughter of Chief Justice McIver, on the 16th day of April, 1896.

When elected Judge of the Fourth Circuit he at once removed to Cheraw, being already engaged in planting in the county of Chesterfield, South Carolina. He was reëlected Judge of the Fourth Circuit, and by successive elections he has been retained Judge of the Fourth Circuit, having been reëlected such judge on the 23d of January, 1906.

Judge Watts received his education in the Laurens Academy and in the University of Virginia. He evidenced while at school a very quick mind, a generous nature, with great powers of concentration, and, withal, a self-assertion which enabled him always to stand up for the right. He made fast friends and never lost them.

As a judge he has always been characterized by a love of justice, a clear perception of legal principles, a ready analysis of cases submitted to him, with great firmness in the administration of the duties of a judge. As one of the best evidences of his firm stand as a first-class judge, the people of the State, through their representatives in the Legislature, since his first election, reëlected him unanimously for four successive terms. Judge Watts is warm-hearted and loyal to his friends. He was a fine lawyer and is an excellent judge.

JUDGE W. CHRISTIE BENET.

Judge W. Christie Benet was born in Edinburg, Scotland, in 1846. After the war he taught school in Abbeville county, and some of the boys who learned their first lesson under this wonderful teacher have risen to the highest positions within the gift of our grand old commonwealth.

When Judge Benet decided to practice law and give up teaching, which he had done so successfully, he had a lucrative practice and was an accomplished lawyer, and when the Legislature, on the 1st day of December, 1893, elected him judge our judiciary gained one of the most thoroughly educated and ablest of judges. Judge Benet is an original man, and the more original a man's thought is, the more direct is its utterance. Genuine feeling seeks the most simple expression. Just in proportion as what is said comes from the individual's own mind and heart, is his manner of saying it naturally. Truth scorns disguise. Judge Benet is true to his friends, and his charges are not only original but clear and to the point. He has served two terms on the bench.

Several times Judge Benet has been appointed to sit with the Supreme Court. The first case was Norris *vs.* Clinkscales. On October 26, 1896, the opinion of the Court was delivered by Judge Benet, acting Associate Justice in the place of Associate Justice Gary. Judge Benet's able and elaborate opinion was highly praised by members of the bar. (See 47 S. C., page 488.) Equitable B. and L. Association *vs.* Vance was the next case. Mr. Associate Justice Gary being disqualified, Judge Benet was appointed to sit in his place, June 9, 1897. The opinion of the Court was delivered by Judge Benet. This able opinion settled the law in this State as to whether this was a Georgia contract or a South Carolina contract. "The Equitable B. and L. Association is a foreign corporation doing business in another State. The defendant-appellant filed a petition for rehearing, upon which the following order is endorsed *per curiam*: After a careful examination this Court is unable to discover that any material fact or principle of law has either been overlooked or disregarded; there is, therefore, no ground for a rehearing. It

is ordered that the stay of remittitur heretofore granted be revoked." (See 49 S. C., page 402.)

Judge Benet possesses four things that belong to a judge: To hear courteously, to answer wisely, to consider soberly, and to give judgment without partiality. He is one of the best educated men in South Carolina.

JUDGE OSMUND WOODWARD BUCHANAN.

Osmund Woodward Buchanan was born in the town of Winnsboro, South Carolina, on the 16th day of September, 1858. His parents were Doctor Robert A. Buchanan and Rebecca Woodward Buchanan. The Buchanans and Woodwards have always been prominent in the county and State. For a long time the Fairfield delegation to the General Assembly included some members of these families. Very seldom was it without one member. Representatives of both families participated in the War of the Revolution. Captain Thomas Woodward, "the Regulator," who was killed by the British in the fight at Dutchman's Creek on May 12, 1779, was an ancestor of Judge Buchanan. Captain John Buchanan and Lieutenant Robert Buchanan served against the British in the same war. In the second war against England, John Buchanan, the uncle of Judge Buchanan, served, and at the time of his discharge was lieutenant and had become adjutant in the South Carolina quota. This same John Buchanan, being a member of the secession convention, signed the ordinance of secession, December 20, 1860. William Woodward and Joseph Woodward represented the district in the United States Congress.

After preparation, young Buchanan attended Mt. Zion College and Mt. Zion Military Institute in Winnsboro. Mt. Zion has always been dear to the Winnsboro people. This old school has been justly famed for its very thorough and efficient work and high standards. It has exercised an educational force second to none in the State. Entering the law office of the late Colonel James H. Rion, on the 4th of June, 1877, he finished the course prescribed and was admitted to the bar, after an examination before the Supreme Court, on the 16th day of January, 1880, and began the practice of his profession in his native town. Colonel Rion predicted his rapid rise and promotion. He was elected to the General Assembly in 1888 and again in 1890.

Happily, on the 2d day of January, 1889, he was married to Miss Sophia Tillman, a daughter of Honorable George D. Tillman, of Clark's Hill, Edgefield county.

On the 6th day of December, 1893, he was elected by the General Assembly to fill an unexpired term in the office of Attorney-

No. 6—Judge Norton
No. 7—Judge Fraser
No. 8—Judge Earle

No. 9—Judge Buchanan
No. 10—Judge Robt. Aldrich
No. 11—Judge Shipp

General of the State. There were many cases of great importance that claimed his attention. He discharged the many duties of that office to the satisfaction of the public and protected the interest of the State. At the general election held on the 6th of November, 1894, he was elected for the full term. Having been elected circuit judge for the term of four years, he entered upon the discharge of his duties on the 8th day of December, 1894. He voluntarily retired from the bench and resumed the practice of his profession at Winnsboro. On the bench Judge Buchanan sought the justice of a case, and was courteous and firm. He loved the State, its traditions and its people.

Judge Buchanan was a strong man, mentally and morally, a decided character, staunch and true.

Judge Buchanan's death occurred on the morning of March 17, 1908, under peculiarly sad circumstances. In the afternoon before, he was riding in the Pullman car of the train going from Columbia to Augusta, in which latter city he was to meet some relatives for a conference upon matters of personal concern. As the train was passing a point about two hundred yards from Ward (a station thirty-seven miles from Augusta), Judge Buchanan, sitting with his back to an open window, was heard to say, as he rose from his seat, that some one had thrown a rock in the window. He was soon overcome and sank into his seat. An examination showed that he had been struck on his left side by a bullet of .22 calibre, thought to have come from a parlor rifle—though whence it came, and more particularly who fired the gun, is yet matter for speculation. When the train reached Johnston a physician attended the Judge, and after examining the wound advised that he be taken at once to an infirmary in Augusta. There the bullet was extracted, and at one time it seemed as if the stricken man would recover. But he grew gradually weaker until 11 o'clock of the day following, when he peacefully breathed his last. The untimely death of Judge Buchanan, under circumstances equally sad and shocking, was widely regretted, and much sympathy was expressed for his afflicted family.

JUDGE JOSEPH HAYNESWORTH EARLE.

Joseph Haynesworth Earle, son of Elias D. and Susan Haynesworth Earle, was born at Greenville, South Carolina, on April 30, 1847. He was left an orphan before he was five years old, and was adopted by John O. Heriot, of Sumter county, South Carolina. He entered the Confederate army as a private about 1863, and was for a while in charge of the railroad trains from Florence to Wilmington. He was a sergeant, Charles' Battery, Kemper's Artillery, Johnson's Army. He never surrendered with his company,—which, however, did surrender at Greensboro, North Carolina. He matriculated at Furman University, where he stood high in his class, but had to leave on account of being unable to pay his way, and finally paid what he did owe the University after he left there.

While teaching school at Chick Springs, South Carolina, he married Annie Wilton Earle, daughter of Baylis J. Earle, of Anderson county, South Carolina; was admitted to the bar and moved to Sumter, where he formed a partnership with Colonel James D. Blanding, drawing out of this firm and practicing alone for a number of years, and finally forming a partnership with W. J. Beard, under the firm name of Earle & Beard. On the dissolution of this partnership he took in with him as a partner the present Judge Robert O. Purdy, under the firm name of Earle & Purdy.

In 1878, Mr. Earle was elected a member of the Legislature from Sumter county, being reëlected in 1880, and elected State Senator in 1882. In 1886 he was elected Attorney-General for South Carolina, and reëlected in 1888. In 1890 he was a candidate for Governor against B. R. Tillman, but was defeated. In 1891 he moved to Greenville, where he formed a partnership with the late Coloenl James L. Orr and the late Captain J. A. Mooney, under the firm name of Earle, Orr & Mooney. In 1894 he was elected Circuit Judge of the Eighth Circuit, which position he resigned upon his election to the United States Senate. He took his seat in the United States Senate on March 4, 1897, and died on May 20, 1897. From the time he was elected Senator until his death he was in partnership with his son, John H. Earle,

under the firm name of Earle & Earle. Senator Earle was a member of the national Democratic convention which nominated President Cleveland, and was a member of the committee which notified Cleveland of his election, having been appointed as a delegate from South Carolina.

He organized and was the first captain of the Sumter Light Infantry, and was also captain of the Claremont Troop. In 1876 he was Hampton's lieutenant in Sumter county, where he did valuable service in redeeming that county from the negro rule, and was a colonel on Hampton's staff.

He left surviving him his wife and eight children: Captain Baylis Haynesworth Earle, surgeon in the United States Marine Hospital; John Heriot Earle, Mrs. Ellie Earle Rice, Mrs. Lucia Earle Crawford, Mrs. Annie Earle Birnie; Lieutenant Joseph Haynesworth Earle, Corps of Engineers, United States Army; Lillian M. and Wilton G. Earle.

JUDGE JAMES COKE KLUGH.

James Coke Klugh is the son of Wesley Coke Klugh and his wife, Susannah Catherine Furr. His mother was the daughter of Henry Furr, of Mount Carmel, in Abbeville district, South Carolina. His grandfather, Humphrey Klugh, came to South Carolina in 1791 when quite a young man, with his wife, Rebecca Eddins, from Culpeper county, Virginia, and settled on Coronaca creek, in the neighborhood known as Bucklevel, in Abbeville (now Greenwood) county. The family is of German origin, with a strain of Scotch-Irish blood intermingled. His great-grandfather, Michael Klugh, and others of his ancestors, were sturdy soldiers of the American cause in the Revolution; and representatives of the family have served their country in the Indian wars, the Mexican war, and the war for the Confederacy.

Judge Klugh was born at Cokesbury, South Carolina, April 30, 1857. He suffered the irreparable loss of his mother when he was but three months old. He was the youngest of a family of ten children, all of whom grew up to mature years. The disasters of the Civil War entailed upon his father the ruin of fortune, which was the lot common to almost all Southern people, and the early educational opportunities of the boy were limited to the "old field" school. Fortunately, the influences of culture and refinement were present in his home, for the older children had received college training before the coming on of the war. These, with a great thirst for knowledge, drew the young boy on to study and wide reading at home, and enabled him to overcome many of the imperfections of his school training, so that when the opportunity came to pursue classical and higher mathematical and literary studies, these were a delight to him and his progress in them was easy and rapid. After two years and a half in the schools of John R. Blake and Miller A. Wilson at Coronaca, he spent one year in the Cokesbury Conference School, under George F. and Robert J. Round, and entered the sophomore class of Wofford College in the fall of 1874. At that time the State institutions of higher instruction were closed to white boys, and the work of higher education devolved upon the denominational colleges and a few private schools for the youth

of South Carolina, except in the case of those whose means and inclination carried them beyond the limits of the State. Young Klugh made a creditable record at college and graduated with the degree of Bachelor of Arts in June, 1877. A short time prior to his graduation he conceived the purpose to win from his *alma mater* the degree of Master of Arts in one year. Up to that time the college had followed the custom of conferring this as an honorary degree only, and its alumni could not receive even that in less than three years after graduation. Mr. Klugh communicated his purpose to his classmate, James H. Kirkland, now the distinguished Chancellor of Vanderbilt University, and together they conferred with Doctor Charles Forster Smith, then a young professor who was characterized by the enthusiasm for letters which has marked his brilliant career ever since. Doctor Smith presented the matter to the faculty, and the result was that Kirkland and Klugh were each assigned a course of post-graduate study, and at the end of a year, in June, 1878, after approved examinations, each received the coveted degree of Master of Arts. The college from that time adopted the policy of conferring this degree upon its graduates as a reward for special study. In selecting his course of study for that examination, Mr. Klugh had reference to his future professional studies, and chose as his major subject Sir William Hamilton's Metaphysics, with parallel readings. His minor study was the German language, with Faust as the leading text.

After leaving college he taught for three years, one year as principal of the male school at Greenwood. While there he was tendered the professorship of history and political economy in the Southwestern University of Texas, which he accepted. Here he spent one year, but the purpose of devoting himself to the profession of law, which had been the inspiration of his boyhood, took strong hold of him, and he entered the law department of the University of Virginia in October, 1880, taking the full junior and senior course, which he completed successfully in one year and graduated in June, 1881, with the degree of Bachelor of Law. In December following he was admitted to the bar and engaged in active practice at Abbeville. In 1882 he was chosen attorney for the county, which position he held for three years, and while so engaged raised the question of the jurisdiction of the Courts of Common Pleas in original

actions upon claims against a county. His position, while overruled by the circuit judge, was sustained by the Supreme Court in the case of Jennings *vs.* Abbeville, 24 S. C., 543, which case he was prevented from arguing on appeal by his having accepted the office of master. In January, 1885, General M. L. Bonham resigned the office of master for Abbeville county, and in a full meeting of the Abbeville bar, then numbering over thirty members, Mr. Klugh was unanimously recommended to the Governor for appointment as his successor. The appointment was at once made by Governor Hugh S. Thompson. This office he held for twelve years, and resigned it on being commissioned as circuit judge.

In January, 1897, Judge Joseph H. Earle was elected United States Senator, and Mr. Klugh was elected by the Legislature to succeed him as Judge of the Eighth Circuit. He was commissioned on the 1st day of February, at the Governor's Mansion, and took the oath before the clerk of the Supreme Court, Governor Ellerbee being too sick to leave his room, and next day opened the Court of Common Pleas at Florence. He has been twice reëlected to the same office by the General Assembly, and is doing his full share of the arduous and exacting work of the Circuit Court. The cases tried by him as master and judge are scattered through many volumes of the reports, beginning with the twenty-fifth and extending down to the latest current volume (now the 72d). As specimens of his style and the character of his work may be cited the cases of Wagener *vs.* Mars, 27 S. C., 97; Callahan *vs.* Callahan, 36 S. C., 454; Buchanan *vs.* Buchanan, 38 S. C., 410; Bussey *vs.* Railroad, 52 S. C., 438; Baum *vs.* Raley, 53 S. C., 32; Chavis *vs.* Chavis, 57 S. C., 173; Thompson *vs.* Insurance Company, 63 S. C., 290; Williamson *vs.* Association, 62 S. C., 390.

Besides his professional and judicial labors, Judge Klugh has ever taken an active interest in public education. For many years his best energies were devoted, as a member of county and local school boards, to building up the public school. No work of his busy life is contemplated by him with more satisfaction than the part he took in establishing teachers' institutes in his county and securing greater efficiency in the country schools, in building up a system of graded schools for the town of Abbeville, and in placing on a sure and lasting foundation the De La Howe

School for poor children. He has never held nor sought political office, but has always supported actively what appeared to be the best measures and best men to ensure the efficiency and permanence of popular government. His efforts have been unsparing to develop and build up the material interests of his community. With this purpose he served for years as alderman of his city and on local boards and committees. For many years the town of Abbeville endeavored to build a cotton mill as a means of building up the town and benefiting the agricultural interests. At length Mr. Klugh took the presidency of the organization, and by his unremitting efforts, serving without compensation, he and his associates brought the enterprise to a footing of assured success, when he resigned his trust to hands that could command more money, and the result was the magnificent manufacturing plant known as the Abbeville Cotton Mills.

Judge Klugh was elected a delegate to the constitutional convention of 1895, and worked earnestly in the efforts to frame a constitution adapted to the changed conditions of the State, so as to fasten and develop the rapidly growing interests of the people and assure to them the best in government and the greatest prosperity and happiness.

He was married in 1888 to Frances Caroline Bradley, a daughter of Honorable John E. Bradley, of Lower Long Cane, in Abbeville county, and they have a family of seven children. His greatest happiness is found in his home at Abbeville, and he loses no time in hastening thither when his judicial labors on the circuit are finished.

On the 23d of January, 1906, Judge Klugh was reëlected for the term of four years.

JUDGE GEORGE W. GAGE.

George W. Gage, the son of Robert J. Gage and his wife, Martha Williams Gage, was born February 4, 1856, in Union county, South Carolina, ten miles west of the court-house, and there lived until 1875. His father was Scotch-Irish; his mother of Welsh blood. He received his primary education from his mother and teachers in the family, and entered Wofford College in October, 1871, and graduated in June, 1875, in the same class with Samuel B. Ezell, of Spartanburg, Doctor J. A. Mood, of Sumter, W. J. Montgomery, Professor W. S. Morrison, of Clemson College, and Judge Charles G. Dantzler, of Orangeburg.

From the fall of 1875 to the spring of 1878 he was in the banking house of George W. Williams, of Charleston. He commenced the study of law at Chester in the spring of 1878, under Patterson & Gaston, and entered Vanderbilt University in September, 1879, and graduated in the law department there with the founder's medal. He began the practice of law at Chester in October, 1880, and continued until his election to the bench in February, 1898. He was a Cleveland elector in 1888; was a member of the constitutional convention in 1895, and was one of the most influential and best posted members of that distinguished body. He was elected to the General Assembly of 1896. He never stood for any other office than those mentioned, and had no opposition for any of them.

On December 21, 1881, Judge Gage was married to Miss Janie Gaston, the only daughter of Captain J. Lucius Gaston, who fell at Seven Pines, May 30, 1862, and his wife, Margaret Hemphill Gaston. Seven children were born to Judge and Mrs. Gage. The Judge has been a consistent member of the Methodist Church for thirty years, and is one of the best judges on the bench.

No. 6—Judge Chas. G. Dantzler
No. 7—Judge John S. Wilson
No. 8—Judge J. C. Klugh
No. 9—Judge J. W. DeVore
No. 10—Judge R. O. Purdy

JUDGE ROBERT O. PURDY.

Robert O. Purdy is a son of James Purdy, a planter of Lawrenceville, Virginia, and was born February 11, 1857, at the plantation near that town. He was prepared for college at the common schools and spent two years at the Virginia Agricultural and Mechanical College, after which he entered upon a business career. He concluded, however, that the law opened a wider field for his ambitious and active mind, and took up the law course at the University of Virginia, where the leading spirit was the distinguished Professor Minor, a man who has left his impress on the minds of a very large number of the most successful lawyers and learned judges of the South.

Mr. Purdy distinguished himself at the law school, taking the two years' course in one, a feat rarely attempted and still more rarely accomplished.

He settled in Manning, South Carolina, and began the practice of law as the partner of Joseph H. Earle, afterwards Circuit Judge and United States Senator. While living at Manning, Mr. Purdy was married to Miss Hattie H. Ingram, daughter of Doctor J. I. Ingram, and a member of one of the leading families of Clarendon county.

Later he removed to Sumter, South Carolina, where he built up a large and lucrative practice, in the meantime occupying positions of honor and trust in the community. He was for one term mayor of Sumter.

In 1902 he was elected Judge of the Third Circuit, at an age that opens the way for a long and distinguished career on the bench. Judge Purdy is able, careful, and just.

JUDGE CHARLES GLOVER DANTZLER.

Charles Glover Dantzler, Judge of the First Judicial Circuit of South Carolina, was educated at Mt. Zion Institute, Winnsboro, South Carolina, at King's Mountain Military School, under the superintendency of Colonel Asbury Coward, Yorkville, South Carolina, and at Wofford College, Spartanburg, South Carolina, having graduated from the last-named institution in June, 1875.

He represented Orangeburg county in the House of Representatives of South Carolina for three terms, 1884-1890; and was elected Judge of the First Judicial Circuit of South Carolina by unanimous vote of the General Assembly in January, 1902.

His paternal grandfather was the Honorable Jacob M. Dantzler, who received the best educational advantages obtainable in his time, and was active and successful in furthering and developing the agricultural interests and resources of his country,—a prosperous business man, an influential citizen, and, prior to the Civil War, represented his fellow-citizens in the State Senate. He died in the fifty-third year of his age.

His maternal grandfather, Doctor Charles Glover, brother of Judge Thomas W. Glover, by his attainments and good deeds, adorned the profession of medicine, and as a planter contributed largely to the material prosperity of his community.

His father, Colonel Olin M. Dantzler, was educated at the best preparatory schools the country afforded, and graduated at Randolph-Macon College, Virginia. He was also prepared for the bar, but engaged exclusively in agricultural pursuits, giving due attention to the political welfare of his State. He was a member of the House of Representatives of South Carolina for some years, and at the beginning of hostilities between the States was a member of the State Senate. He enlisted in the War between the States and participated actively in its engagements to the time of his death; was lieutenant-colonel of the Twentieth South Carolina Volunteers, and was promoted to the colonelcy of the Twenty-second South Carolina Volunteers. At the head of the latter regiment, leading a charge, he was killed on June 2, 1864, in the thirty-ninth year of his age.

Judge Dantzler's parents and grandparents were all natives of Orangeburg county. He is an excellent judge and has a bright future.

JUDGE DANIEL EDWARD HYDRICK.

Daniel Edward Hydrick was the youngest son of Major Jacob H. Hydrick and Margaret Hildebrand, a daughter of Jacob Hildebrand. His father was a man of marked character, noted for his honesty and tenacity of purpose. His mother was possessed of more than ordinary intellectual attainments and devoted herself to the education and moral training of her children. To her influence and training and to the impression derived from her high ideals of life and character, more than anything else, does the subject of this sketch attribute what measure of success he has achieved.

Mr. Hydrick was born in Orangeburg county, South Carolina, August 6, 1860. His early life was spent on his father's farm, where he did such work as every farmer's son is accustomed to do. He attended the neighborhood schools, which at that time were very poor. The terms were irregular, lasting sometimes not more than six or eight weeks in the year. But, being determined to obtain a collegiate education, he made the most of the limited opportunities afforded by these schools. He also attended the Columbia Male Academy a few months, under Captain (afterwards Governor) Hugh S. Thompson.

At the age of sixteen he entered the preparatory department of Wofford College. In the early spring of the next year he was called home on account of the last illness of his mother, who died in June following. In the meantime he pursued his studies at home without the aid of an instructor, and returned to the college the next fall and entered the freshman class. He went through the junior class at Wofford, and was at the end of his junior year awarded the medal offered by the alumni association for the highest proficiency in general scholarship. The next year he went to Vanderbilt University and pursued a classical and literary course of study. At the end of his first year at the university he was given a scholarship for proficiency in Greek. He was graduated with honor in 1882, and was offered a post-graduate fellowship in the department of English language and literature. This was declined, and in the summer of the same

year he was elected principal of the Darlington Male Academy, where he taught three years.

On October 24, 1882, he was married to Rosa, the eldest daughter of Major John A. Lee, of Spartanburg. They have four children—two daughters and two sons.

Mr. Hydrick was admitted to the bar at the spring term, 1886, of the Supreme Court, and began the practice of law at Spartanburg. In the fall of 1887 he was invited to a copartnership with Captain John W. Carlisle, with whom he practiced about eight years. In 1895 he formed a copartnership with Honorable Stanyarne Wilson. This association lasted until January, 1900, when it was dissolved on account of both members of the firm being in public life—Mr. Wilson in Congress and Mr. Hydrick in the State Legislature.

Mr. Hydrick was elected to the House of Representatives in 1897 to fill an unexpired term, and was reëlected in 1898 for a full term. He was elected Senator for Spartanburg county in 1900, and was reëlected in 1904. At the next session of the Legislature, in January, 1905, he was elected Judge of the Seventh Circuit.

His regular term as Circuit Judge did not begin until December 15, 1905; but on account of the sickness of the judge who had been assigned to hold the fall term of the courts of the First Circuit, he was appointed and commissioned as special judge to hold said courts. The first court of the circuit was at Orangeburg, and so Mr. Hydrick had the peculiar pleasure of beginning his judicial career in the county of his birth.

Judge Hydrick is able and full of energy—a good lawyer and an impartial judge.

JUDGE ROBERT WITHERS MEMMINGER.

Robert Withers Memminger, son of Reverend Robert Withers Memminger and Susan Mazyck Memminger, was born July 2, 1867, at Charleston, South Carolina. He received his early education at local schools, and afterwards attended the University of Virginia. He studied law under Judge Simonton and was admitted to practice in the Supreme Court of South Carolina in December, 1888.

He was married June 2, 1898, to Evelyn Brodie, of Charleston. He practiced law continuously at Charleston, and was elected Circuit Judge on February 14, 1905.

Within a very short time after Judge Memminger's admission to the bar he had acquired a considerable practice, particularly in admiralty business, being for a time associated with Claudian Northrop, Esq. For about ten years prior to his election to a judgeship he was judicial magistrate for the city of Charleston, a position which gave him much experience in judicial matters, while at the same time not interfering with his law practice. His partner for the few years prior to going upon the bench was C. J. Redding, Esq., the firm being Memminger & Redding.

Judge Memminger's election to the bench was brought about by a very high compliment paid him by the bar of Charleston. Charleston county was the most populous in the district, and it was generally conceded that the General Assembly would select whoever the bar of the county should desire. There were four candidates from Charleston, the other three of whom had been much longer at the bar. At the bar meeting four ballots were taken and on all four of them Mr. Memminger led, receiving a majority of the sixty-four members of the bar voting on the fourth ballot. As had been expected, the choice of the Charleston bar was confirmed by the General Assembly, Mr. Memminger receiving a very handsome majority over his opponent, Mr. Fishburne, of Colleton.

In the language of Colonel William Banks, Judge Memminger is showing up well. Quiet, almost shy, he is yet fearless, wide awake, and sensible. See copy of "The State" of date March 2, 1906, for report of the case of the State *vs.* Hasty.

JUDGE GEORGE E. PRINCE.

The subject of this sketch was born at the home of his father in Diamond Hill township, Abbeville county (then district), in this State, on the 24th day of January, 1855. His father was Washington L. Prince, a lineal descendant of Edward Prince, who emigrated from England and settled in Virginia in the latter part of the seventeenth century, locating a tract of land granted directly to him by the crown. Judge Prince's immediate ancestors migrated to South Carolina prior to the Revolution, settling in Spartanburg district, from which some of them moved to Edgefield, thence to Abbeville. The mother of Judge Prince was Martha E. Clinkscales, daughter of George B. Clinkscales, of Abbeville, South Carolina. This family was of Scotch descent and has been and is one of large influence and connections in upper South Carolina.

Both his grandmothers were named Black and were cousins, but one was reared in Abbeville, South Carolina, and the other in Mecklenburg, North Carolina. They were of that Scotch-Irish race which has contributed so much to the splendid womanhood and manhood and to the development, the history and the civilization of this country.

Springing from such an ancestry, it is not remarkable that George E. Prince early felt the promptings of a lofty ambition. Until he had reached the age of fourteen years he lived on his father's farm, attending the neighborhood schools and enjoying the sports and athletic games of a healthy country boy. At this time his father moved to Williamston, Anderson county, South Carolina, where young Prince attended the male academy and was prepared for college. He entered Wofford College at the term beginning in October, 1872, and was graduated therefrom in June, 1876, taking the highest honors of his class and delivering the valedictory address. His class standing was always good and he was prominent in the debates of the Preston Literary Society, of which he was an active and enthusiastic member. It was here he acquired that facility in debate and that readiness of extempore speaking which stood him in such good stead afterward and distinguished him in the practice of law.

He was graduated with the degree of A. B., but afterwards, while engaged in teaching, he pursued a prescribed course of study for the degree of A. M., which, upon a written examination personally conducted by the professors of Wofford College, was conferred upon him in June, 1879, by the trustees of Wofford.

After his graduation he taught as assistant in the Union (South Carolina) Male Academy and as principal of the Easley (South Carolina) High School. On the 24th day of January, 1878, he was married to Mattie McP. Lander, daughter of that distinguished educator and Christian gentleman, Reverend Doctor Samuel Lander, president of the Williamston Female College. Mr. Prince had been elected to a professorship in the Williamston Female College before his marriage, and entered upon the duties of the position in February, 1878, continuing therein until December, 1880, when he retired for the purpose of preparing himself for the bar. He entered, as a student of law, the offices of Wells, Orr & Westmoreland, of Greenville, then one of the most prominent law firms of the State, composed of Captain George E. Wells (now deceased), Colonel James L. Orr (lately deceased), and George Westmoreland (now a prominent lawyer of Atlanta). After his admission to the bar in 1881 he remained with this firm for some months as clerk, making in that time a diligent and careful study of the rules of practice.

In August, 1882, he settled at Anderson, South Carolina, and began his life-work as a lawyer, encountering and overcoming the obstacles and difficulties which hedge the path of every beginner in this arduous profession. By promptness and close application to the cases entrusted to him he evinced his ability to handle business and manage cases, so that his practice constantly grew in volume and importance, and soon he was recognized as one of the most capable and leading lawyers of upper South Carolina. His practice, especially in the court of sessions, was very large, and at the time of his election to the bench he and his partner (the late James L. Tribble, Esq., himself a painstaking, capable and conscientious lawyer) enjoyed a large and lucrative practice in all the courts of the State and the United States. Mr. Prince was elected to represent Anderson county in the House of Representatives of South Carolina in 1898, and served through the sessions of 1899, 1900, 1901, and 1902, and was again elected in 1904, and served in the session of

1905. He was recognized as one of the safest and most conservative legislators and one of the strongest debaters in the House. It may be safely said that he was regarded as one of the leaders of that assembly. He was a member of the constitutional convention of 1895, and here, too, his capacity and talent for hard work and great care made him a marked and prominent figure and a useful member.

He was elected Judge of the new Tenth Judicial Circuit in February, 1905, his competitor being that accomplished gentleman and brilliant lawyer, Mr. Thomas P. Cothran, of Greenville. No contest was ever conducted upon a higher plane, and it was the constant remark of the friends of both candidates: "No matter which is elected, we shall have a good judge."

He has at all times taken an active interest in the development of the public schools of Anderson. It was he who drafted the bill, and secured its passage, which provided the excellent system of graded schools for which the city of Anderson is noted. He was the first chairman of the board of trustees of the city schools, in which honorable position he continued until his election to the bench. This work of the schools was with him a labor of love, and he devoted much time and consideration to it—to which in a large measure is due the great success which has been achieved. He himself regards with especial pride the services thus rendered the public, esteeming them no less honorable and important than those rendered in the more noted places which he has filled.

He has been a trustee of his *alma mater*, Wofford College, for the past fourteen years, rendering to her loyal and devoted and efficient service. He is a member of the Methodist Episcopal Church, South, and has represented his church in several of its annual and general conferences. He is a Mason, a Knight of Pythias, and a member of the Order of Red Men.

Judge Prince has been upon the bench since February, 1905,—long enough to make evident his peculiar fitness for the discharge of the duties of that exalted office, whose dignity and honor are safe in his hands. Possessed of a judicial temperament, with a thorough knowledge of the principles of law and an intimate acquaintance with the adjudicated cases, he bids fair to make for himself an enviable reputation as an expounder of the law.

JUDGE JOHN S. WILSON.

(From "The State," January 24, 1907.)

John Snowden Wilson, who was yesterday elected Judge of the Third Circuit, comes from that good old Scotch-Irish stock which has furnished South Carolina with so many of her most honored sons and stamped on her civilization so deep an impress. He was born on a farm, forced in early life to work for others more helpless than himself, and learned by self-denial and virtue to set a true estimate on the things of the world.

Mr. Wilson comes from stock which made old Williamsburg county and rescued the soil of the State from the invading host of England. His great-grandfather Wilson and on his mother's side his great-grandfather Paisley were both in the Revolutionary War and did good service for their country. His grandfather, Colonel David D. Wilson, of Williamsburg county, represented that county for several years in the State Senate, and his mother's father, Samuel John Snowden, both left their impress on that community so well known by the older generation of people in that section of the State as a center of culture and refinement, Indiantown. It was and is an old-fashioned settlement on the border line between Georgetown and Williamsburg counties, noted for high tone and culture, the education of its people, and the beauty and refinement of its women. It was in such surroundings that young John Wilson was born and from which he drew his first ideas of life, where the bed-rock was laid in his character. He was born October 21, 1856, which makes him just fifty years and a few months old. His father was Samuel Itly Wilson, a well-known and influential citizen of that community, a farmer and a gentleman of education and culture. He was a graduate of Davidson College, completing his course at the age of nineteen.

At the outbreak of the war he joined the Tenth Regiment, which was formed in that section of the State, leaving his young wife and children, to fight for his country. He was subsequently attached to Tucker's Cavalry and other details.

His mother was Mary J. Snowden, who, with her husband, as boy and girl attended the schools in Indiantown; afterwards

she was educated at Bradford Springs and an institution in Charleston at that time very highly esteemed as a school for young ladies.

Samuel Itly Wilson died in the fall of 1867, leaving his widow with five orphan children, the eldest of which was the subject of this sketch, then eleven years old, with the country in wreck and the conditions of life almost intolerable. In spite of this discouraging condition, the little family bravely faced life and battled well and successfully against the odds that threatened to overwhelm them. Schooling was difficult in those days, but it was possible to get it if the right determination existed, and it did exist in the case of this family. The children were given advantages of all that the country afforded and they used them well. John S. Wilson, after training in the Indiantown Academy, attended school in Manning, where he lived with a relative, the late B. Pressley Barron, Esq., the school being a well-known institution under the management of John Witherspoon Ervin, one of the real masters of the art of teaching the boys; later he attended the academy of Reverend Robert Lathan (afterwards D. D. and head of Erskine College). Although well prepared for college, the young man, then within a few years of his majority, was obliged to forego his ambition and cut short his education and return to the farm to work, where he remained one year.

Of the brothers and sisters of Mr. Wilson, all are living except one, Mrs. Munnerlyn. The other sisters are Miss Annie and Mrs. Dinkins, all of that Indiantown section of Williamsburg; and the brother, David Itly Wilson, now a well-known and influential farmer and business man at the old home place, where they were all born and raised. Mrs. Wilson was subsequently married to John W. DuRant, and by this marriage there were five children, all well known in that section of country and all most highly esteemed for their virtues and public spirit.

John S. Wilson was one of the boys who wore the red shirts in the memorable Hampton campaign of 1876 and 1878, and helped as best he could to work out the redemption of the State.

Returning to Manning after his experience of a year on the farm, he read law with his kinsman, B. Pressley Barron, Esq., and was admitted to the bar by examination before the Supreme Court in 1880, and began the practice of his profession at Manning, forming a partnership with Joseph F. Rhame, of that bar,

and later with Colonel B. Pressley Barron, Esq. He was later appointed trial justice at Manning, and served several years with credit to himeslf and satisfaction to the community. He resigned and practiced law alone until 1888, when he became a candidate —and a successful one—for solicitor. He has never had opposition in that office, and has been reëlected each time, though twice he was chosen when factional politics raged very fiercely in the State and many good men were rejected because they bowed not the knee to the idol of the hour. In the case of Solicitor Wilson, however, though known to be a conservative in politics, he enjoyed the confidence of the people to such an extent that both sides endorsed him, and he was again and again returned to the place he had filled with so much ability.

As solicitor, Mr. Wilson has met in the forum the best lawyers and the hardest fighters in the State, and he has always acquitted himself with distinction. He has won in many cases celebrated in the annals of the court, notable among which may be mentioned the Brownfield appeal from Georgetown, which was an attack before the Supreme Court of the United States on our jury laws, the plea being made that they violated the constitution in that they discriminated in effect against negroes on the juries. This case Mr. Wilson won after a most dogged fight. In civil work he has had many notable cases, representing some of the largest industries and most prominent men in eastern Carolina, and he has appeared from time to time before the Supreme Court in hard legal battles.

Mr. Wilson for ten years, up to last summer, had been in partnership with Charlton DuRant at Manning, under the firm name of Wilson & DuRant. Last summer that partnership was dissolved and he formed a partnership with S. Oliver O'Brien, a very bright young attorney of the Manning bar.

As solicitor, Mr. Wilson was careful and painstaking. He sought the truth and served the State. It has never been considered that his first object was to convict, and he never overreached. He was one of the fairest fighters that ever put lance in rest in a legal battle. He was painstaking in his duty, careful and accurate, quick to grasp the significance of the smallest detail and prompt to use it. It would have to be a mighty well practiced liar who could lie under John S. Wilson's searching eye.

Mr. Wilson was married in early life to Miss Elizabeth Ingram, daughter of Doctor John R. Ingram, of Clarendon, who has been a helpmeet indeed in the journey through life,—a charming woman of highest character, most highly esteemed in the community in which she lives. To this union has been born eight children—six girls and two boys. The eldest, a graduate of the College for Women in this city, is a teacher in the public school at Manning; the next, a son, John Ingram Wilson, is principal of the school at Hickory Grove, York county; the others are still students of school or college.

As a man, John S. Wilson possesses peculiar magnetism. He is regarded by those who know him best as being of pure gold, the soul of honor, a fit scion of that sturdy Scotch-Irish stock which set truth and honor and integrity above all else in the world. He has never made much money; he never seemed to be working for the particular personal interest of John S. Wilson; one never associated with him money-making, but one could not disassociate him from patriotism and justice and square dealing. His friends love him because he has a wealth of kindly feeling; they respect him because he has a breadth and depth of intellect, and they trust him because he has never failed any man.

His peculiar personal force was shown some years ago when he was called to his old home in Indiantown by the murder of an uncle in his store there by some negroes. The outraged citizens were determined to lynch the negro, but John S. Wilson stood for law and order, and he took the negro, whose hands were red with his kinsman's blood, and the crowd gave him up to the man for whom they had so much respect.

As a citizen, the life of Solicitor Wilson has been devoted to the best interest of the community, the furtherance of the education of the people, the upbuilding of the county generally. He has never been a man of means, but so far as he has been able he has assisted materially and morally all movements looking to the development of the resources of the section in which he lived. He has taken an active interest in all political and social matters, and has frequently been in the State councils of the Democratic party, where his ability and clear-sightedness have been of value.

The congratulations of his friends in all parts of the State poured in on him yesterday on his election to this position. He has been quite sick during the present session of the Assembly and most of the time has been confined to his room, but when able has bravely struggled out to meet his duty in the engrossing department, where he is well known and most highly esteemed.

JUDGE ROBERT ALDRICH.

Honorable Robert Aldrich, of Barnwell, was elected Judge of the Second Circuit on January 21, 1908, to succeed Honorable James Aldrich, his cousin, whose retirement was necessitated by his failing health. Few men in the State were better known to the general public, especially the reading public, than this "Giant of Barnwell," big intellectually as well as physically. To the legal profession he was particularly well known, having been a most prominent and active member of the State Bar Association and its president from January, 1907, to January, 1908.

Mr. Aldrich comes of two families who have served the State well and faithfully in positions of honor and trust and have always been true to their instincts of patriotism and honor. He is the second son of the late Judge Alfred P. Aldrich and his wife, Martha Ayer Aldrich. His father was born in Charleston, whither his grandfather moved when a boy from Massachusetts. His grandmother was Ann Hawkins Lebby, of an English family now thoroughly identified with Charleston. On his mother's side he descends from a patriot of the Pee Dee section, Thomas Ayer, his great-grandfather, whose head was sought by the British for his activity in the cause of liberty. His grandfather was Lewis Malone Ayer, at twelve years old a courier of Francis Marion, and later sat for thirty years in the General Assembly of the State from Barnwell district, where he moved at the close of the Revolutionary War.

From both sides of the family come traditions of honor and pride and true service to the State. His father, Judge A. P. Aldrich, was elected judge in 1866 and was removed from the bench by the military government of the State in 1868. He refused to obey the dictation of General Canby, and a file of soldiers was sent into the court-house in Barnwell to close the court and remove him from the bench. He entered an indignant protest. To the sheriff he said: "You will adjourn this honorable court while the voice of justice is stifled in South Carolina, and you, gentlemen of the jury, are discharged until the time shall come, and come it will, when justice shall open her doors again in South Carolina and I shall sit on this bench an inde-

pendent judge whose ermine shall be unstained." When the State was redeemed he was returned, and was the only one of the old judges returned to the bench.

Colonel Aldrich, as he is generally known, was born and raised in Barnwell. He went with that brave battalion of boys from the Citadel Academy who offered their young lives on their country's altar. He entered as a private, was advanced to adjutant of the Sixth South Carolina Cavalry, and in 1864 was appointed assistant inspector-general with the rank of lieutenant-colonel on the staff of Major-General P. M. B. Young, of Georgia, and finished the war in the department of the West.

Colonel Aldrich was admitted to the bar in 1867 and practiced in Barnwell. He was elected a member of the House of Representatives immortalized under the name of the "Wallace House," which wrested the government of the State from the control of the alien and the oppressor. He was intimately associated with Attorney-General Youmans in all the reconstruction legislation of the State through his position on the judiciary committee of the House, which was ordered by resolution of the House to take up a number of matters for the State.

He was also concerned and was most successful in a number of the cases in the United States Court in which charges were brought against South Carolinians and backed by army bayonets for their participation in the successful struggle for liberty. He has been concerned prominently in a number of cases on behalf of the State. He is one of the best known criminal lawyers in the State and has served both defense and prosecution with equal ability.

He has always been prominent in the political affairs of the State, and was one of the South Carolina electors for Samuel J. Tilden, and again for Grover Cleveland. He has been for some time a member of the board of trustees of Clemson College, and has served the State in numberless ways, always with fidelity, zeal and credit. His wife was Miss Sophie Bonham, of Edgefield and Columbia. He has two married daughters, Mrs. Eglesston, of Hartsville, and Mrs. Frank G. Tompkins, of Columbia, and two younger daughters.

Colonel Aldrich qualified at once and began the discharge of his duties on the day after his election, the Second Circuit having been without a judge for some time on account of the illness of

Judge James Aldrich. The new judge held his first court in Horry county, of the Fourth Circuit, commencing February 17th. His charge to the grand jury on that occasion deserves to rank as a legal classic in the State, reflecting the views held for so long by the judge who expressed them and who has worked untiringly for years in the State Senate to bring about such reforms in the jury law as would make effective the high ideals he expressed.

Judge Robert Aldrich's Strong Charge at Conway.

Crime can be kept down, he tells the grand jury in opening his first court. The chief trouble now, he says, is the failure to secure the best men for jury duty, and gives a remedy for this condition. His analysis of conditions in South Carolina and the remedy which he proposed for the suppression of crime made a profound impression upon those who heard the charge. He said:

"Gentlemen of the Grand Jury: The Legislature in its present session, I cannot say in its wisdom, but in its graciousness, elected me to the office of Circuit Judge, and in the order of assignments by the Supreme Court it became my duty to begin my judicial career in your good county. Although this is my first visit to Horry, I do not feel that I am among strangers. I have been associated with your men all my life, as schoolmates in boyhood, comrades in war, and colaborers in the service of the State, and at all times and in every relation have found them to be true men. I have heard from others and have read in the public prints of your prosperity, your development, and your material progress, the best evidence of your respect for law, for be assured that no people can prosper who are not a law-abiding people. The civilization of a people is to be measured by their respect for law, and if you will that your prosperity increase, your developments expand, your progress continue, your respect for law must be preserved.

"After all, what is law? It has been defined to be a rule of conduct prescribed by the supreme power in the State, commanding that which is right and prohibiting that which is wrong, or, in other words, law is right living—and people who do not live rightly cannot prosper. It has become more or less common to hold up our people as a lawless people, who either commit crime themselves or condone it in others. This is not true; as a State we are a law-respecting and law-abiding community. If that were not so, we would not feel law-breaking as we have always done; the fact that the commission of crime is so sternly de-

nounced shows that the body of our population are law-abiding and law-respecting; but in some quarters it must be admitted that there is a lawless element among us who give a bad name to the whole State. And in what I shall say on this head I have no reference to any particular community, but somewhere among us there is an element of our society that does not respect the law, and it is that class that courts are organized to control. In some instances, in some sections, this has not been done, and flagrant crimes have gone unwhipped of justice. This is all wrong, and we cannot afford to permit it to continue.

"Can it be prevented? Can all men in our State be made to know that no man is above the law, that no man can violate the law with impunity? Certainly it can be done; to say that it cannot be done is to admit that our government by the people is a failure.

"In monarchical countries if the king neglects his duty bad government follows; in a free republic like ours, where the people are the sovereigns, if the people neglect their duties bad government will follow; so that the way to suppress crime in our State is for the good people to say that it must stop, and when they say so, mean it.

"The means by which the people carry on their government is through their agents and servants, and if these agents of the people, the office-holders, are given to understand that the people will hold them to a strict accountability and at the recurring elections will retain those who are faithful and turn out those who are not, then you will soon see an efficient enforcement of the laws; but if good men are neglectful of their privileges, rest assured bad men will not be; then bad men will give their tone and character to the government, the servant will not rise higher than his master, and law and order will give place to wickedness and vice.

"In those sections of the State where crime has gone unpunished, and bad men given to know that the law could be broken with impunity, what have we seen? We have seen that the best men in the county have not been on the juries. How does this come about? Our jury law in its spirit and integrity is a good law, but in its operation opportunity is afforded for a very defective administration of justice. The law requires that juries shall be men of sound judgment and free from all legal exceptions; no higher standard need be erected, nor, in fact, could be. Once a year the jury commissioners are required to prepare from this class of our voters the jury list for the year; from this list so prepared the juries for the year are drawn. The jury commissioners are the clerk of the court, the county treasurer, and the county auditor. These men are generally desirous of retaining their offices, or are aspirants for higher places—in other words, are candidates for popular favor. Those men who are best quali-

fied to serve as jurors do not like to do so; they find it interferes too much with their private business, and the jury commissioners know that they will lose nothing in the favor of such men by leaving them off the jury list; while the men to whom the dollar and a half a day is a consideration, and the post as a juryman is a distinction, like to be put on the jury; and hence the jury commissioners make themselves solid with both classes by excluding the men who should be on the jury list and putting on those who are unfit.

"Go to our public meetings, our churches, our social gatherings, the avenues of trade and business, and you will see there the style of men who made our country great in the past, who made the name and fame of South Carolina shine in the history of the world; but go into our court-houses in many counties during court week and look over the jury panel and they are not there; and there you will see those miscarriages of justice which put the blots and blemishes upon the fair face of our civilization.

"How is this to be corrected? The law requires the Governor to see that the laws are faithfully executed, and the law is not a hard master and does not expect impossibilities, and when it charges the Chief Executive with this high duty and great responsibility it puts in his hands the efficient means of discharging it. He has the power of appointing the magistrates, who appoint their constables, whose duty is to make arrests and bind over criminals to court. He appoints the county auditor and county treasurer, a majority of the jury commissioners, and he has the power of removing these officers for inefficiency in the performance of their duties. Now, when crimes are committed and the criminals are not arrested, the magistrates and constables are at fault. When they are arrested and indicted and acquitted by juries who burlesque the law and make a travesty of justice, the jury commissioners are at fault for putting such men in the jury box, and the attention of the Governor being called to such malfeasance in office he will apply the remedy by removing such unfaithful public servants from the offices they have disgraced and putting better men in their places. The present Governor of South Carolina will do his duty, and when such instances of misconduct arise they should be called to the Governor's attention and he be given the opportunity of applying the remedy.

"The pivot upon which the whole fabric of justice revolves is the jury which tries the case. The magistrates and constables may do their duty, the solicitor may do his, the grand jury may do their duty, and the judge may do his, and yet all come to naught and crime run riot in the land if the jury fails to do its duty. No greater reproach can come upon any State than to fail to protect the lives and the rights of its people. Our people have always stood ready to fight, and, if need be, to die in defense of their State and country; in times of political revolutions they

have displayed the highest devotion. We make the proud boast that in defense of South Carolina we stand ready with our lives and fortunes; and yet all of these things are as sounding brass and tinkling cymbals if we fail to uphold the law, if we fail to make the people secure in their lives, their liberty and their property. The law is no respecter of persons; the law has one measure for all, and the time has come when we should alter the old political slogan and proclaim from the mountains to the sea that this is a good man's country, where every good man, white and black alike, can find a home, in fact as well as in name; where every good man can live and work and enjoy the fruits of his labor in tranquility and peace, and where every bad man must mend his ways or go elsewhere to pursue them.

"When I say that the spirit of the law should be observed and only men of sound judgment and free from all legal exceptions shall serve on juries, I must not be understood as intimating that such men can be found only in any particular class of life. I know that they are to be found in all classes. I have lived very near to the plain people of our State; I have stood by them and they have stood by me in war; I have worked with them in the most trying periods of our history; and the most splendid specimens of manly worth I have ever known have come from the cottages of the poor, while some of the most abandoned scapegraces that ever existed have come out of the mansions of the rich. 'Honor and fame from no condition rise,' and we can find, if we look for them, good men and true in every class of life who will 'act well their part,'—there all the honor lies."

The rest of Judge Aldrich's charge related to the general duties of the grand jury.

JUDGE JAMES WILLIAM DeVORE.

Honorable James William DeVore, the Judge of the new Eleventh Circuit, was born on May 6, 1856, at Fairview plantation, about eight miles south of Edgefield Court-house. After attending what are known as the "old field" schools in the neighborhood, he entered Washington and Lee University, Virginia, where he finished his education.

Leaving school, he read law under Governor J. C. Sheppard at Edgefield, and was admitted to the bar on the 16th day of January, 1880, and located in Edgefield. In 1902 he entered politics and ran for the House of Representatives, and after two races in the primary he was elected over his opponent by twenty-three votes.

He again entered for the same place in 1904 and had to run two races, beating his opponent by three hundred and thirty-six votes in the second race. In 1906 he ran again and headed the ticket, showing that he grew stronger and stronger before the people of his county.

His record as a legislator proves him a man of ability. As a debater he has few superiors, as was shown in the many discussions he participated in. Mr. DeVore has conducted himself in such a way as to inspire and gain the confidence of the members of the General Assembly to that extent which enabled him to offer as a candidate for Judge of the Eleventh Circuit, and on February 20, 1908, that body elected him judge over a distinguished competitor.

Judge DeVore, on the 11th of November, 1896, married one of Edgefield's most beautiful and lovely daughters, Miss Sallie Dozier. They both came from two of the best families in the State. Mr. DeVore is a gifted man. He has a good judicial mind and will add lustre to the bench.

JUDGE SAMUEL W. G. SHIPP.

Samuel Wilds Gillespie Shipp, who was recently elected Judge of the Twelfth Circuit, is one of the best known lawyers in the northeastern section of the State. He is one of the ablest and yet one of the most retiring men at the bar in the State. He is sought for his advice and opinion, but was never known to intrude it.

He was born at Chapel Hill, North Carolina, forty-eight years ago. His father, Reverend A. M. Shipp, D. D., was a professor at that time in the University of North Carolina; his mother was a daughter of Samuel Wilds Gillespie, of a family well known and referred to in Gregg's History of the Old Cheraws, whom he married while preaching in Cheraw as a young minister in the Methodist Conference. After the war Mr. Shipp moved with his family to Wofford College, of which institution he was made president, which position he filled for nearly fifteen years. The new judge entered that venerable college as a student, later graduating at Vanderbilt, to which college his father went to fill a chair, and occupied that chair for fifteen years, returning in his old age to his wife's home in Marlboro county, near Cheraw, his health greatly impaired, where he devoted his time to literature, his best known book being a history of Methodism.

Sam Shipp began the practice of law in Bennettsville with Mr. Newton, formerly solicitor of the circuit, and quickly advanced in the ranks of the profession. He moved to Florence, a young and promising city, in 1895, having formed a partnership with the present Justice C. A. Woods, whose business connections in that section were very large. He has practiced law at the Florence bar continuously, having been associated in a number of the most notable cases in that section, particularly the efforts to defeat the opening of the dispensary over the expressed will of the people of Lake City and Scranton, and other hard-fought cases. He has served as city attorney of Florence, and was connected with the extensive litigation over the graded school charter. In all of these cases he developed a legal acumen that was remarkable, and established himself as easily one of the best posted lawyers in that section of the State, and one whose quick

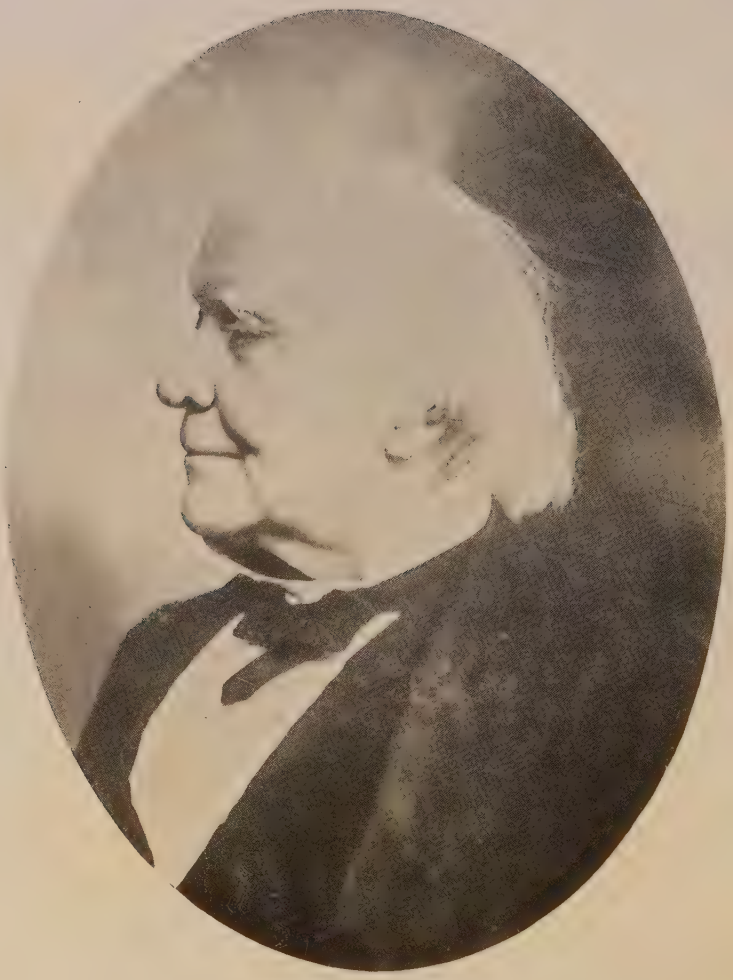
and ready application of legal principles and constitutional provisions could not be equaled.

He was elected two years ago a member of the General Assembly from Florence county, heading the ticket, though he had had no political experience and was of a most retiring disposition, little inclined to devotion to the arenic dust. He has made one of the most valuable members of the judiciary committee of the House, where his legal knowledge and judicial mind so impressed his fellow-workers that he was assured that if he would permit his name to be used he would receive a cordial support in the House, and the vote was the justification of that promise.

Mr. Shipp was married several years ago to Miss Elizabeth Gasque, daughter of Reverend S. S. Gasque, of Williamsburg county. He is the father of one little girl.

In his family there are two married sisters, Mrs. Samuel Sanders, of Georgetown, Texas, and Mrs. John M. Webb, of Belltown, Tennessee; one brother, Albert W. Shipp, a merchant of Nashville, and two unmarried sisters, Misses Nannie and Susie Shipp, who still live at the old family home in Marlboro county.

The recent endorsement of the Florence bar expressed the high esteem in which Mr. Shipp was held in his home town; the personal interest that every man and woman who know him took in his race and election expressed stronger than words the affection felt for the man as well as the confidence and respect for the lawyer and jurist.



Hon. Joseph Daniel Pope

JOSEPH DANIEL POPE, LL. D.

Sketch of His Eventful Career and Tributes to His Memory From Those Who Knew and Loved Him.

The following is taken from "Eminent and Representative Men of the Carolinas":

"Honorable Joseph Daniel Pope, an eminent South Carolinian, was born April 6, 1820. He is of English extraction, his progenitors having emigrated to South Carolina in the time of Queen Anne. Four brothers of the family took a conspicuous part in the Revolutionary War. Their Christian names were Joseph, William, John and James, the first named being the grandfather of the subject of this sketch. Though left by the ravages of war with very little property, Joseph made the best use of what he had, and, by industry and fine business tact, became quite wealthy. He died in 1818. His son, Joseph James Pope, was the father of Joseph Daniel. He was a successful cotton grower, and a man of liberal education, being a graduate from South Carolina University and possessed of a fine literary taste. He married Miss Jenkins, a lady of Welsh descent.

"Joseph Daniel Pope received his early education at his home on St. Helena Island, from private tutors, but at thirteen years of age was sent to an excellent academy at Walterboro, under the principalship of Reverend Vandyck. At seventeen he entered the University of Georgia, one of the best educational institutions in the country, and graduated with high honors in 1841.

"He then pursued a law course at Charleston with James L. Petigru, one of the most distinguished lawyers of South Carolina, and was admitted to the bar in 1845. He began practice at Beaufort, in partnership with Richard DeTreville, an equity lawyer of much celebrity, to which branch of practice the firm devoted its principal attention, and in which they achieved great success. In 1850 Mr. Pope was elected to the House of Representatives from the St. Helena district, and was appointed a member of the committee on federal relations, in those times one of the important committees in the House.

"He held this place for several sessions, and was chairman of the committee when the John Brown episode occurred at Harper's Ferry, and which created a profound sensation throughout the country. The committee took the subject under advisement and presented an able report thereon. In December, 1860, Mr. Pope was chosen a member of the convention called to consider the matter of the withdrawal of South Carolina from the Union. He took an active part in the convention and subscribed his name to the ordinance of secession. He was the mover of a resolution for the organization of the Confederate Government and its location at Montgomery, Alabama, which resolution was subsequently adopted, and its substance was also adopted by other Southern States.

"At the fall of Beaufort, in 1861, Mr. Pope suffered the loss of most of his property and removed to Columbia. The next year he was elected a member of the State Senate, which position he held till the close of the war. He was appointed by President Davis as the head of the revenue bureau, charged with the responsible and onerous duty of raising funds and supplies for the prosecution of the war.

"He was also appointed by Secretary of the Treasury Memminger to superintend the printing and issuance of the Confederate currency. When the war came to a close Mr. Pope retired from official position and resumed the practice of his profession at Columbia. In the succeeding years he formed business partnerships under the firm names of Fickling & Pope and Pope & Haskell, and was engaged in most of the important cases in the courts arising from the 'carpet-bag' rule in the State, in which he ably defended the interests of the State against that vicious regime.

"In the exciting political campaign of 1876, Mr. Pope took an effective part, both with voice and pen, and lent a strong and effectual support to Governor Wade Hampton.

"In the ranks of the Columbia bar Mr. Pope holds a foremost position. He is unsurpassed in knowledge of the law, possesses a discriminative intellect, is able and accurate as a counselor, and is an advocate of the highest type at the bar. His oratorical powers are of a high order; he has a prepossessing personality and an impressive presence before an audience. He is a man of high personal qualities, of exalted integrity, purity of character

and of generous instinct. His ennobling characteristics and cultured manners are such as to make him a favorite in the best society.

"About 1886 he was invited by the president, Doctor McBryde, and the trustees to take the professorship of law at the university and to build up a law school in that institution. Here he founded and developed the only law school of the State. His position as dean of this department of the university has been filled with unrivaled ability, and his zealous labor for nearly a quarter of a century has resulted in indescribable success. As said by one of the students, 'No one will attempt to pen the incalculable service he has rendered to the law profession in our State through training the young applicants for the bar. No one can tell of the inspiration he has given those who have come under his instruction by earnestly expounding to them the great principles of law and through his ardent endeavor to place the practice of law upon an elevated plane. No one can describe his character —this venerable son of the South, who has won the sincerest affection of all those whom he has taught; who shall ever live in the bosom of all his pupils.'"

Other data of interest regarding Colonel Pope, taken for the most part from "Men of Mark in South Carolina," a publication of the current year, may be given as follows:

"Colonel Pope numbered among his ancestors on his father's side the distinguished portrait painter, Jeremiah Theus; Colonel James Theus of the War of the Revolution, and Simon Theus, who was the first United States collector of the port of Charleston. On his mother's side, Colonel Pope's ancestry goes back to the Scotts, the Jenkinses, the Adamses and the Ashes, all families of great respectability and social standing.

"His father was a sea island planter of comfortable fortune, consisting mostly of lands and slaves, and though not of great wealth, his means were ample. He held public offices, being averse to public life, but in spite of his indifference to office he was several times elected a member of the South Carolina Legislature, and took much comfort to himself for being one of those who voted to establish the State Hospital for the Insane in 1822, against very strong opposition.

"He also voted for the nullification ordinance in 1832. His marked characteristics were great personal dignity, high courage

and integrity, and remarkable conversational gifts. He was esteemed by all who knew him as a man of profound judgment, and was always a leading member of the community.

"Colonel Pope grew up on his father's island plantation, and was a healthy boy, fond of outdoor life and developing no special tastes, except for horseback riding, gunning and boating. He was not compelled to do any manual labor, as his father was in easy circumstances, with the best trained negro servants to wait upon the members of the household at every call.

"Naturally, in such conditions, the influence of his parents was paramount in his early life. His education began at his mother's knee, and after he was eight years old the combined influence of both his father and his mother affected the whole of his moral, spiritual and intellectual development.

"When he was twelve years old a New England teacher was employed in the family, who, in spite of many personal objections to his character and opinions, was, nevertheless, of the greatest service to his pupil in opening his mind to knowledge and in teaching him how to study and to educate himself. This teacher subsequently left the South, and his letters, published after his death, were filled with many slanders concerning the Southern people, especially with regard to the period of nullification, but Colonel Pope always felt that this did not detract from the intellectual debt which he owed to him, as above suggested.

"After his mind had been opened by this early training, the books that he found most helpful to him for his work in life were the writings and speeches of John C. Calhoun, Halham's Constitutional History, and Gibbon's History of the Decline and Fall of the Roman Empire, and, in a literary way, the writings of William Makepeace Thackeray.

"Colonel Pope did not engage in professional study at any institution after his graduation from the University of Georgia in 1841, nor did he take any post-graduate course at any college, but he received from the University of Georgia the degree of Master of Arts, and, in later life, the degree of Doctor of Laws from Furman University.

"On the 11th of December, 1845, Colonel Pope was married to Catherine Scott, the daughter of Doctor John A. P. Scott, of the parish of St. Helena. His married life lasted fifty years and

nineteen days. Seven children were born to him, of whom only two survived: his daughter, Mrs. Reed Stoney, living with him here in Columbia, and his son, of his own name, living in Florida.

"Since he took charge of the law department at the university more than three hundred students have been graduated under him, and the law school has added greatly to the character, ability and learning of the South Carolina bar.

"Having led a busy life in the law courts and in public affairs, Colonel Pope was not the author of books at any time; but he wrote a great deal for the daily press and contributed several notable articles to magazines of high standing. He delivered numerous literary addresses on sundry occasions, which were always well received."

The following appreciation of the services of Colonel Pope appeared in the annual of the University of South Carolina in 1906, in which year "The Garnet and Black" was dedicated to Colonel Pope:

"Joseph Daniel Pope is a native Carolinian—was born in the parish of St. Helena, near the old town of Beaufort, upon his father's sea island plantation, within three miles of the Atlantic Ocean. He is the son of Joseph James Pope, the elder, who married Sarah Jenkins. His genealogy has never been successfully traced across the Atlantic, but his ancestors of the Pope name immigrated from Pope's Creek, Westmoreland county, Virginia, about the year 1700, and settled on the tidewater in this State, where they continued to reside—all of them becoming sea island cotton planters.

"Among his ancestors we find the names of the Scotts, the Jenkinses and the Theuses, one of the latter being the well-known portrait painter. The Pope lineage has lived under and taken part in all the governments of our State, and is identified with South Carolina affairs for over two hundred years.

"Joseph Daniel is the eldest of several children, and probably no boy ever spent a more enjoyable early life—living amidst the charms of a Southern plantation of reasonable wealth. At his hand there was a negro servant to attend upon his person, a horse to ride at pleasure, and a sailboat with which to sport, and therefore indulged in the healthful pleasure of shooting, fishing and sailing.

"His early education began at the knee of his accomplished and lovable mother, who inspired him with the love of knowledge, and then by tutors employed by the family. At the age of thirteen years he was sent to be prepared for college at the academy of Walterboro, then under the charge of Reverend Mr. VanDyck, a good and faithful teacher. Afterwards, at the instance of a neighbor, he was sent to the University of Georgia and put under the guidance of Doctor Church, an excellent administrator and a teacher of rare ability.

"Upon a visit, just before leaving for college, to the home of Mr. James L. Petigru, an early friend of his father's, Mr. Pope was invited to take his professional course in the law office of that noted jurist. This opportunity was gladly accepted, and he has often been heard to express his everlasting reverence and gratitude for his generous benefactor.

"In 1845 he came to the bar and began practice in the town of Beaufort. In the same year he was married to Miss Catherine Scott, daughter of Doctor J. A. P. Scott, a sea island planter. Afterwards he formed a copartnership with Mr. Richard DeTreville. The copartnership had a remunerative practice, and in the early fifties, more for the benefit of his practice than for political preferment, he offered for election and was elected to represent St. Helena parish in the State Legislature, where, after two years of efficient service, he was appointed chairman of the committee on federal relations, at that time a foremost committee. This position he held during the John Brown raid in Virginia, and reported as to what should be the attitude of South Carolina, which report was unanimously adopted.

"In 1860, when the secession movement swept over the State, he was delegated to the secession convention, and took an active part in that body, as will appear by its published proceedings.

"Afterwards he was, without solicitation, elected to the State Senate, where he rendered inestimable service to the State during the trying period of the war.

"At the beginning of the war, President Davis, in compliance with the request of Mr. Memminger, secretary of the treasury, appointed Mr. Pope collector of war revenue in South Carolina; and during the war, too, he was appointed commissioner to have prepared and printed the Confederate notes, a position of honor

and trust, the duties of which were performed with ability and skill.

"At the close of the war he retired from politics, except advocating as a private citizen, with pen and tongue, the Hampton movement, by which the State was rescued from the hands of the Radicals and delivered from the domination of thieves, and resumed the practice of law in Columbia, where, in connection with his successive partners, Messrs. Fickling and Haskell, and later Mr. Shand, he had a prosperous practice.

"About 1884 he was invited by the president, Doctor McBryde, and the trustees of the University of South Carolina to take the professorship of law and to build up a law school in the university. Here he founded and has developed the only law school in South Carolina. His position at the head of this school has been filled with unrivaled ability, and his twenty years of zealous labor has resulted in indescribable success. No one will attempt to pen the incalculable service he has rendered to the law profession in our State through training the young applicants for the bar. No one can tell of the inspiration he has given those who have come under his instruction by earnestly expounding to them the great principles of law and through his ardent endeavor to place the practice of law upon an elevated plane. No one can describe his character—this venerable son of the South, who has won the sincerest affection of all those whom he has taught; who shall ever live in the bosom of all his pupils."

The kindly face of Colonel Pope will be missed from the university campus, where for almost a quarter century he strove to instill into youthful hearts a love for the law. The students had a strong regard for the venerable professor, and each day when his carriage drove up to the class room there would be several of the boys to help the old man from the vehicle. And when the class was over they would lead him back to the carriage and aid him to comfortably seat himself within. As a mark of the esteem in which the students held Prof. Pope for many years, on the occasion of his birthday anniversary the members of the law class would present him with some present. In 1905 he was given a silver ladle. This was to be a reminder to his great-grandchildren. In 1906 the students presented him with a pair of gold spectacles. These Colonel Pope prized very highly and was wont to speak of them on many occasions. Last year Colonel

Pope was presented by the members of the law class with a silver pencil-holder and a green bag. Each Thanksgiving Day for a number of years past the law class would present Colonel Pope with a turkey.

As the founder of the law school of the university, Colonel Pope was closely associated with everything that pertained to the university and college for the past twenty-four years. At first he did not receive a regular salary, but was paid in fees. Then he was, with the growth of the law school under his work, granted a salary by the board of trustees, and within recent years has been provided with help in the law school.

One of those who has known Colonel Pope for many years said of him recently that he was a man "built on large lines," and this about expresses and sums up the characteristics of Colonel Pope. And not only was this true in large matters, but also in smaller affairs. He was in close touch with the students of the university and often entertained them at his home. He would carry lunch for the members of his classes to the examination room with him. He was the recipient of many personal attentions by the students.

Colonel Pope, at the meeting of the faculty, Thursday, March 12th, made a request that he be appointed on the building committee that was to look after the erection of the new administration building provided for at the last session of the Legislature. He said that he would like to be on this committee so that he might pass by the place every day and see how the work was going on. He had great ideas of architecture, and delighted always to look at and admire beautiful buildings. The request he made at the meeting of the faculty committee was the last official work Colonel Pope did on the faculty, and, in fact, he had not attended the meetings of the faculty regularly for the past few years.

Colonel Pope was very fond of the library and visited there often. He would take out of the library many of the modern novels and read them. The last book he got out of the library was the "Call of the Blood." One of Colonel Pope's habits that the members of the faculty were wont to expect was his report upon the work being done in his classes. This report he would give at the meetings that he would attend. In regard to the college, Colonel Pope was proud of her every tradition, and for

some of the older presidents he had a special regard, among this number being President Woodrow. Colonel Pope was a friend of William C. Preston and was acquainted with many others of the great graduates of the university.

Colonel Pope was taught in his early days by a Northern man whose name he would never mention. He delighted to talk of this teacher, however, and said that the man had great learning. The fact that the teacher afterwards turned Abolitionist accounts for the fact that Colonel Pope did not mention his name. Colonel Pope was at the University of Georgia with Benjamin Palmer and other noted men.

JUDGE ANDREW GORDON MAGRATH.

Andrew Gordon Magrath was born, lived and died in Charleston, South Carolina. He closed his eyes forever in the city where they first saw the light—the city of his long life's devotion, where his busy and brilliant career of more than fourscore eventful years began, culminated and ended—the old City by the Sea. The depth and intensity of that devotion have recently been brought out again in bold relief by the publication, since his death, of his war correspondence as Governor of South Carolina, in the official records of "The War of the Rebellion."

He was born February 8, 1813, of Irish descent, his father having been engaged in the Irish rebellion of 1798, for which he was arrested, but escaped, fled to this country, and engaged in business as a merchant in Charleston, where he died at an advanced age.

Mr. Magrath's early education was received at the famous school of Bishop England, where his marked excellence gave no uncertain promise of the rare literary taste which characterized him through life, and of the rich and abundant fruitage which his intellectual powers bore in their maturity. An incident which occurred while he was under the tutelage of the good Bishop enables us to image him in our mind as a youth ambitious to achieve the highest distinction, and of whose prominence in the future great expectations were legitimately formed. On an occasion of public exercises of the school, South Carolina's greatest scholar then or since, Hugh S. Legare, was forced to subject young Magrath and his rival fellow-pupil, Nelson Mitchell, to a most prolonged and critical examination of their acquaintance with and knowledge of the Latin language in order to determine whose proficiency entitled the one or the other to the palm and prize to be awarded to the best Latin scholar of the school.

The studies so auspiciously begun under Bishop England in Charleston were prosecuted with the greatest zeal, zest and success at the South Carolina College, Columbia, then as both before and since the *alma mater* of so many Southern statesmen, jurists and orators. This he entered in 1827, and was graduated thence with distinction in the class of 1831. No unwilling or laggard

pupil he, in his undergraduate course, but conspicuous among the youths of high promise (including, among others, the great Presbyterian divine, James H. Thornwell,) who sat at the feet of the great teacher, Thomas Cooper, who then enunciated ex cathedra doctrines of political economy and the philosophy of government, which took deep root in South Carolina and the South—Thomas Cooper, whose political life was one continued struggle against all forms of political tyranny and centralization.

After the close of this academic career, the future Judge and Governor commenced his legal novitiate under the superintendence in his studies of the foremost man of the South Carolina bar, James L. Petigru, and completed it at the law school of Harvard University, under the instructions of the able corps of professors who have made that the first law school on the continent. To the last the impress of his two great law masters, Petigru and Story, was perceptible upon him in matters purely legal, though never in matters of the Federal constitution or of politics. In these regards, as in the case of so many of his Southern contemporaries of mark, the influence of Thomas Cooper and John C. Calhoun was ever pronounced and dominant. He was admitted to the South Carolina bar in 1835, and thenceforth to the close of his life devoted himself with the greatest assiduity to the practice of his chosen profession; the periods during which he was in high official station, necessarily incompatible therewith, only excepted. That jealous mistress, the law, never had in his affections or ambitions a successful rival. In 1840 he was elected and in 1842 was reëlected to the South Carolina House of Representatives from the parishes of St. Philip and St. Michael. In his career as a Representative he distinguished himself by his devotion to the business of the House, his rare skill as a debater, the grace and finish of his diction, and his power as an orator. The short session of the Legislature which convened annually on the fourth Monday in November, and by an unwritten but unbroken law adjourned so that the members could be at home at Christmas, interfered but little with the practice of his profession. In the presidential canvass of 1848 he was allied with that portion of the Democratic party in South Carolina which supported Taylor, a Whig but a Southerner, against Cass, Democrat; in such magnitude had sectional questions, particularly the slavery question, then loomed up. In

1850-1852 he was a conspicuous opponent of the policy of secession from the Union by South Carolina, single-handed and alone, the "separate State action," as it was called, so strongly advocated at that time by Barnwell Rhett and other prominent South Carolina statesmen. He was a member from the parishes of St. Philip and St. Michael of the convention of the people of the State in 1852, and was of the large majority which, on April 30th of that year, passed the ordinance "that South Carolina, in the exercise of her sovereign will as an independent State, acceded to the Federal Union, and that in the exercise of the same sovereign will, it is her right, without let, hindrance or molestation from any power whatever, to secede from the said Federal Union"—and which cotemporaneously therewith passed the resolution "that the frequent violations of the constitution of the United States by the Federal Government, and its encroachments upon the reserved rights of the sovereign States of this Union, especially in relation to slavery, amply justify this State, so far as any duty or obligation to her confederates is involved, in dissolving at once all political connection with her co-States; and that she forbears the exercise of this manifest right of self-government from considerations of expediency only." He had been elected one of the delegates from the State-at-large to the national Democratic convention to meet at Cincinnati, in 1856, to nominate a candidate for the presidency, which nominated Buchanan, but he resigned, having been appointed by President Pierce, before the meeting of the convention, United States Judge for South Carolina.

This position he accepted and filled most acceptably to the bar, suitors, the Government, and the country, until the popular vote in November, 1860, rendered the election of Abraham Lincoln to the presidency unmistakable and certain. Lincoln was known to be as fully committed to Seward's doctrine of "the irrepressible conflict" as Seward himself, and had openly declared in his widely circulated speech made at Springfield, Illinois, July, 1858, both his belief "that the Government could not endure permanently half slave and half free," and his policy "that the opponents of slavery should arrest the further spread of it, and place it where the public mind should rest in belief that it was in the course of ultimate extinction." Judge Magrath had expressed himself in the public prints as to the rights of the States in the

newly acquired territories, and in opposition to Douglas's heresy of squatter sovereignty in the territories. In his judgment, the considerations which made the State in 1852 forbear the exercise of the right of secession now no longer existed, and that upon the inauguration of the Republican President, March 4, 1861, "a circle was to be drawn around the South," to use the terse and expressive language of Trescot, beyond which its institutions should not grow, and within which it was the expressed desire of an all-powerful Government that they should gradually perish, and that it should stand, like one of its own oaks, rung for slow but certain destruction.

He thought that the dictates of honor and interest of principle and expediency alike required that the people of the State of South Carolina, in convention assembled, should as speedily as possible exercise the sovereign right of secession from the Federal Union, and maintain that right at all hazards, peaceably if they could, forcibly if they must. He voiced his convictions with no uncertain utterance, and gave to the movement all the force of his trained intellect and his burning speech. The historic scene enacted in the United States court-room in Charleston will long be remembered. Robert N. Gourdin, foreman of the grand jury, having said that "the verdict of the Northern section of the country, announced to the country through the ballot box, has swept away the last hope for the permanence and stability of the Federal Government. The vast and solemn issues which have been forced upon us involve the existence of the Government. In these extraordinary circumstances the grand jury respectfully decline to proceed with their presentments." Thereupon, in brief but most solemn and thrilling language, Judge Magrath made the last utterance heard for many a day from the Federal judgment-seat in South Carolina, and, suiting the action to the word, the word to the action, disrobed himself of the Federal ermine he had so worthily worn. His resignation, and the resignation of James Conner, United States Attorney for the District of South Carolina, and William F. Colcock, Collector of the Port of Charleston, and the impassioned utterances of these three late officials of the Federal Government to masses of people in Charleston, and also in Columbia, where the Legislature was then convened in extra session by Governor Gist, added the most

combustible of fuel to the flame which had been gathering head for thirty years.

Immediately after his resignation from the Federal judiciary, Judge Magrath was elected a delegate from the parishes of St. Philip and St. Michael, to the most momentous convention of the people of the State of South Carolina which ever sat—the convention which, on December 20, 1860, passed the first ordinance of secession of a State from the American Union. As an evidence of the regard in which he was held by the people of his home in this crisis of the history of the State, it is worthy of note that Judge Magrath was elected by a large majority at the head of the twenty-two delegates whom these parishes sent to that convention, though embraced in the roll were men of commanding intellect, of national reputation, and great popular favorites. As a member of that historic body he distinguished himself and added to the high reputation which he by merit had achieved, and the great esteem in which he was deservedly held by the wisdom of his counsel, the force and point of his contributions to grave debates, and the directness and decision of his action.

The convention on December 27, 1860, passed an ordinance in respect to the executive department, "that the Governor should immediately appoint four persons, with the advice and consent of the convention, who, together with the Lieutenant-Governor (W. W. Harllee), should form a council, to be called the Executive Council, whose duty it should be, when required by the Governor, to advise with him upon all matters which might be submitted to their consideration." Governor Pickens, on December 30, 1860, in accordance with this ordinance, nominated to the convention for their confirmation as members of this Council, David F. Jamison (the president of the convention), A. G. Magrath, C. G. Memminger, and A. C. Garlington. On the same day these nominations were confirmed by the convention in secret session and ordered to be made public. In this cabinet Judge Magrath was most fitly and appropriately assigned to the Department of State. How delicate, difficult and exacting were the duties of the presiding officer of this department in South Carolina during Judge Magrath's administration of it, and how fitly and fully he met and discharged those duties, are indelibly stamped upon the history of those exciting times. The critical

exigencies of the position may be to some extent realized when we remember the events big with fate for South Carolina and the South which were crowded into that momentous period, and when we picture the unique and isolated position this commonwealth occupied as a separate State from the time of her secession from the United States to the time of the formation of the Government of the Confederate States, the old ties of Union broken and new ones not yet formed. He was appointed to this high and most responsible station only four days after that eventful night after Christmas on which Major Anderson, by his rash action in secretly dismantling Fort Moultrie, spiking his cannon, burning his gun-carriages, and removing his command to Fort Sumter, so complicated the situation and precipitated the solution by blood and arms of the gravest questions which should have been settled with calmness, temperance and judgment. Renewed interest has been awakened since the war in the instructions which Judge Magrath gave from the Department of State of South Carolina to Isaac W. Hayne, Attorney-General of South Carolina, who was sent as special envoy to President Buchanan in relation to the Fort Sumter imbroglio, in consequence of the discussions had between Jefferson Davis and Jeremiah Black (Federal Secretary of State), in the closing days of Buchanan's administration, as to the matters which had been in controversy between the United States and South Carolina at that time. On April 8, 1861, the South Carolina convention by ordinance declared that the faithful servants of the State who had theretofore constituted the Executive Council should be relieved from the duties that had been assigned them so soon as in the opinion of the Governor the pressing exigency of public affairs would permit.

Soon after the formation of the Confederate Government, Judge Magrath was appointed by President Davis to the position in that Government corresponding to that which he had resigned in the Government of the United States—that of Confederate States Judge for South Carolina. The most notable of his decisions as United States Judge were those in regard to the importation of Africans, a subject which created great excitement and gave rise to wide-spread discussion at the time. The most notable of his decisions as Confederate States Judge were on questions of public law, decisions of prize law with reference to belligerent

vessels bearing commissions of the Confederate States, and most especially as to the sequestration act of Congress of the Confederate States confiscating the property of alien enemies. The argument on the issues involved in the discussion of the sequestration act was participated in by his old law preceptor, James L. Petigru, and quite a number of most distinguished members of the bar, the subject being one of wide-spread and far-reaching interest. He discharged the duties of Confederate States Judge and filled his position under the new Government as ably and faithfully as he had done under the old, until December, 1864, when the darkening times induced the Legislature of the State to call upon him to leave judicial for executive functions by electing him Governor of the State. It was thought by the wisest and most influential members of that body, and by the best balanced intellects of the State, that if any of her sons could rescue South Carolina in the gloomy and perilous condition which enveloped her, that man was Andrew Gordon Magrath. This was the most potent, most convincing and most freely used of the arguments urged in favor of his election as Governor, and was a most striking proof of the confidence of his countrymen. His inaugural address, amid all the pall-like gloom which hung over South Carolina, on December 20, 1864, was eloquent, ringing, and full of cheer. But the fates were against the Governor, against the State, against the Confederacy, against the South; and Governor Magrath, though he bent every energy of his being to the Herculean task before him, could do only what could be done by

> "A brave man, struggling in the storms of fate,
> And greatly falling, with a falling State."

The Confederate and State forces were utterly unable to prevent the vandal march of Sherman through the State; and Columbia, the beautiful capital city of the State, which Governor Magrath left on the morning of the day on which the Federal army occupied it, a city of gardens, he returned to find sacked and in ashes. After the passage of Sherman's army through the State, he attempted to evoke order out of chaos. But in vain. The Confederacy fell. He was arrested by order of the Government of the United States and imprisoned as a prisoner of state in Fort Pulaski, along with George A. Trenholm, Confederate Secretary of the Treasury; John A. Campbell, former Associate

Justice of the Supreme Court of the United States; ex-Senator D. L. Ulee and Governor Allison, of Florida; Governor Clark, of Mississippi, and General Hugh R. Mercer, of Georgia. The South Carolina State convention—which, at the instance of Andrew Johnson, President of the United States, and Benjamin F. Perry, whom President Johnson had appointed Provisional Governor of South Carolina, met in September, 1865,—made a strong appeal to the President for his release, but he was not released until late in December, 1865, after the expiration of the term of Provisional Governor Perry and the inauguration of Governor Orr, and then only on parole. He never aspired to public office again.

Resuming the practice of his profession, which he had left in 1856, the courts, the bar and suitors at once recognized in him a leader returning to the familiar scenes of his early triumphs, and it is as judge, jurist, counselor, practitioner at the bar, and advoate, that he will be best known in history and tradition. In regard to his career as United States Judge, he regarded himself as entitled to claim that he found the United States Court in South Carolina an effete institution, little known or respected, and that under his auspices and direction it had risen to as great consequence and enjoyed as much respect and confidence as any other court in the State. In regard to his career as Confederate States Judge, he said that on account of his adherence to his convictions he became obnoxious to the Government at Richmond, and that the opinion he had of the Government had excluded him from its confidence and deprived him of its favor. Among counselors, practitioners of the law, and advocates, he was in the front rank, both before he was placed on the bench and after he had left it forever. As a student, he had sat at the feet of the Gamaliels of the profession, both North and South, and his style revealed the impress left by his great law master, Story. He came to the bar as thoroughly equipped and armed *cap-a-pie*, as *factus ad unguem*, as could be, without that which *experientia sola docet*, and this his extensive and varied practice enabled him rapidly to acquire. He was eminent in all the departments of his profession, and always appeared to advantage, both before juries and judges, on circuit and in the courts of highest and last resort, State and Federal. He knew his profession thoroughly, its philosophy and its history. He considered law the

noblest system of reason ever wrought by the brain of man—a regular system, not a promiscuous collection of rules and precedents, the *disjecta membra* of wise saws and modern instances—a liberal science, an artistic study, not a mere gainful craft. His nature, intellectual and moral, recoiled from the sneer of Aaron Burr, "that law is whatever is boldly asserted and plausibly maintained." He was equally familiar with both the theory and practice of the law, knew it both as a science and an art, and was conversant as well with its minute practical details as its enlarged speculative reaches.

As an advocate his rare power of expression, his happy command of language, his capacity for historic and literary illustration, his marvelous tact, his bursts of indignant eloquence when the subject or its environments demanded it, gave him a vantage ground whose potent force, all either allied with him or opposed to him felt most keenly. Like Rufus Choate, it did not require numbers to arouse his powers, and perhaps he never displayed them more in evidence and impassioned play than at times when the judges and counsel were the sole auditors.

It seemed natural in him to rise to leadership. He had in him somewhat of that spirit of command which Kent recognized in Lear when he met the fiery old king in the wilderness—that magnetic power, that indefinable *nescio quid* which seemed not only to put him *en rapport* with, but to give him ascendancy over others. Men as unlike each other as Benjamin Robbins Curtis and Morrison R. Waite equally felt his charm. He fascinated men as unlike each other as James Conner and Ulysses Grant. Conner said he was the wisest man in council he had ever met; a kind word from him was a passport to Grant's consideration. He was the prince of hosts, and in all parts of this broad land are tender memories of the charm of his generous and kind hospitality, presided over by the all-accomplished hostess now widowed and desolate. He was the truest of friends, and all his friends were lovers. His juniors of the bar felt for him not only admiration, but affection; pages loved to wait upon him. Women—from the ball-room belle scarce out of her teens, to the experienced, mature matron of society—could not resist being favorably affected by his genial, gallant bearing, his *esprit*, his exquisite urbanity, his courtliness of the old school of the old world. The phrase *senatorius decor* was as appropriate to the

flesh and blood Magrath as to the ideal creation, Audley Egerton, for whom Bulwer says it seemed coined.

He sank peacefully to sleep on the 9th day of April, 1893, in the eighty-first year of his age, the last of the judges who presided before the war in the United States Courts as District Judge for South Carolina—the last of South Carolina's war Governors—the last of South Carolina's Governors elected by her Legislature—the last of South Carolina's Governors under the constitution of 1790.

With him expired not only the pronounced, individual, personal characteristics which marked him as one of nature's noblemen, but also one of the last striking, typical products of the old ante-bellum South Carolina civilization—a civilization we will always revere, but the ashes on whose hearths have gone out forever; for its environment, the atmosphere in which it lived and moved and had its being, is no more and can never live again. If autobiography is the best of biography, and best discloses the real life of motive and purpose and feeling, this feeble tribute to the memory of one whose career stands out with the relief of an antique column covered all over with the record of honorable achievement can find no more appropriate close than this extract from the last of his utterances as Governor, made at the crash of the Confederacy, in the darkest hour for himself and the city and State he loved so well. Speaking of his action in the most trying time through which Governor and State ever passed, Andrew Gordon Magrath said: "Whatever I have said, I believed to be true; whatever I have done, I believed to be right."

LEROY F. YOUMANS.

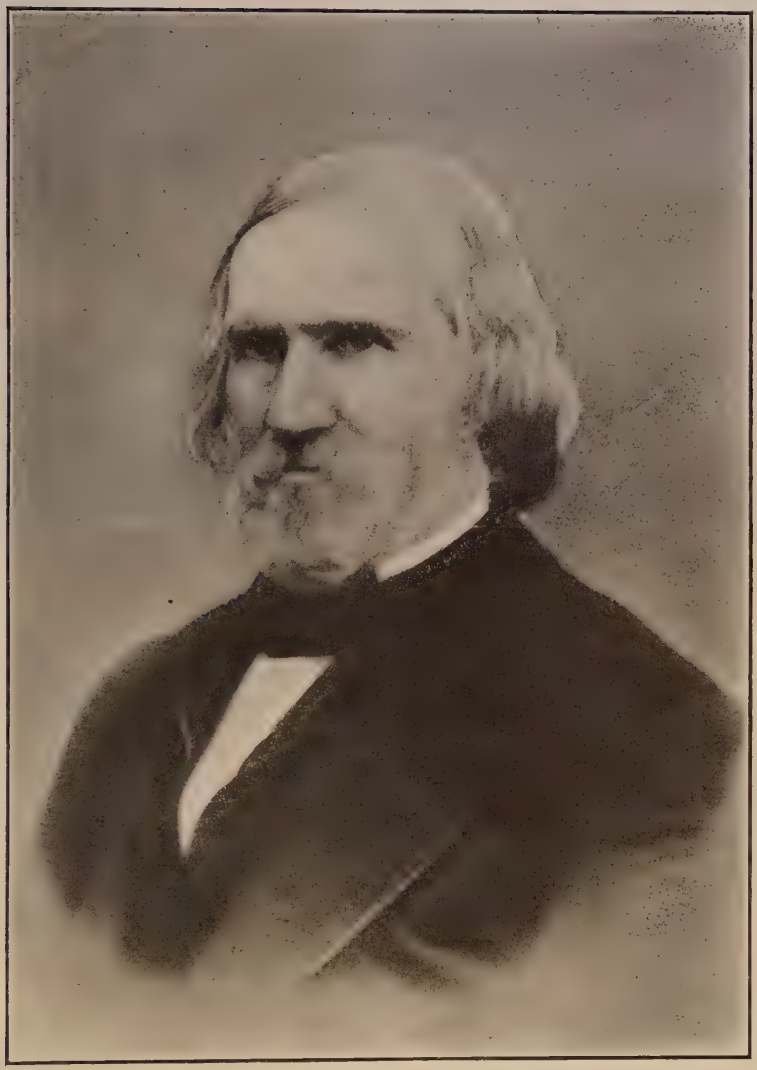
JUDGE GEORGE S. BRYAN.

1809-1895—Charleston, S. C.

United States District Judge for South Carolina, 1866-1886.

Judge George S. Bryan was born on the 22d of May, 1809. He was the son of Jonathan Bryan, a well-known merchant of Charleston, and a grandson of George Bryan, Judge of the Supreme Court of Pennsylvania and a delegate from that State to the first Colonial Congress in 1765. On his mother's side he came of the Scotch family of Lathams. He married Rebecca L. Dwight, a descendant of Johnson and Broughton, both colonial Governors of this province, and also a direct descendant of the Huguenot Marion. He was educated in Charleston in Bishop England's school, and at Nazareth, Pennsylvania, and studied law at Charleston in the office of the eminent scholar and jurist, Thomas S. Grimke, and always practiced his profession in Charleston. He served in the Florida war as lieutenant in the Washington Light Infantry of Charleston. He was in public life an ardent Union man as early as the Nullification crisis. For many years he was one of the leaders of the old Whig party, with Legare and Petigru, and under the then famous signature of "Crawford," and in the councils of the Whig party, exerted a strong influence upon the political history of the period. He was the personal friend of Henry Clay and for years his constant correspondent, and enjoyed a familiar intercourse in Washington and throughout the South with the statesmen of the country.

At the outbreak of the war he and Petigru and Perry were the chief anti-secession leaders in South Carolina. After the close of the war he was, by the people of the State and by resolution in 1866 of the first Legislature assembled in South Carolina, recommended for the office of United States Judge, and under the then wise and pacific policy at Washington of restoring the Federal Judiciary of the South, through the aid of the conservative forces on the soil, he was, in April, 1866, nominated by the President and confirmed by the Senate as Judge of the United States Court for the District of South Carolina. This position he held for over twenty years, retiring in September, 1886, when he was succeeded by Judge Simonton.



U. S. Circuit Judge Bryan

At the outset of his judicial career he found the army of the United States in occupation of the State. He was the first Federal Judge in the South to protect the right of trial by jury against the arbitrary rule of martial law, and to assert the civil rule and law of the open courts under the constitution of the United States by a writ of *habeas corpus* directed to the general of the army of the United States then in command at Charleston. To enforce the writ he issued an attachment for contempt upon the disobedience by the military authority of the process of the court. This precipitated the contest in which his opinion and its salutary principle was finally affirmed by the Supreme Court of the United States, and by which civil government was restored to the Southern States, which until then had been ever since the war held as military districts under martial law.

In the grave question of the test oath for the bar of Charleston he first decided the principle, reaffirmed by the Supreme Court of the United States, that brought back into the legal profession and before the courts of the United States the whole bar of the South, who, by the application of the test oath, were then sought to be excluded from these courts. For a generation immediately succeeding the war, his judicial labors were given, with rare success and acceptability, both to the Government of the United States and to the people of his own State, to the restoration of public peace and tranquility. His mind was constantly working upon the judicial, permanent and peaceful solution of all the many and complicated questions which grew out of the upheavals of war and the new conditions of the races in their economic, political and legal relations. On these questions his decisions were ever fearless and faithful, and their results are written in history. In these labors he enjoyed the warm friendship of Chief Justice Chase and Chief Justice Waite, who with him successively presided over the United States Courts in this State.

In announcing the retirement of Judge Bryan, at the age of seventy-seven, from the office of United States District Judge for South Carolina, the Charleston "News and Courier," with historical accuracy, said on December 6, 1886:

"The resignation of Judge Bryan brings to a close a judicial career of more than twenty years, covering the momentous period when, emerging from a bloody war, the people of the United States had a still harder trial and task before them. Then began

the combat between arms and the law—between those who would revere and obey the constitution as the charter of our liberties, and those who find in the constitution no restrictions or limitations that parties or politicians need or should respect. From the beginning to the end of the struggle, Judge Bryan on the bench was a pillar of light in the midst of darkness, the defender of the law and the rights of the people under the constitution.

"Upon the appointment of Judge Bryan the civil courts of the United States under the constitution were reopened for the first time in South Carolina after the close of the war. The Federal Court for the District of South Carolina had not, it seems, been closed forever. It was opened for the protection and preservation of the people. At once came the conflict between the civil power and the military power, hitherto irrepressible and unrestrained. General Daniel E. Sickles was the military commander in South Carolina. Persons whom he had arrested applied to Judge Bryan for relief, and the great writ of *habeas corpus* was issued in their behalf. General Sickles declined to make any return to this writ, and Judge Bryan at once ordered his arrest. General Sickles declined to submit to arrest. Judge Bryan was powerless to enforce his authority, but forwarded the warrant of the court to the President at Washington, thus throwing the responsibility upon the President, who is the commander-in-chief of the army and navy of the United States. The lawlessness of his army officers, their contempt of the courts, was the dominant feature of the period. At last the Supreme Court solved the question and restored the sway of the United States Courts under the constitution. In South Carolina, under Judge Bryan's action, was made the first judicial assertion of the supremacy of law in the prostrate South.

"The test oath was now attempted to be imposed on attorneys in South Carolina as a condition precedent of practicing in the courts. The effect would have been to exclude from practice the lawyers who had been in the Southern army or who had in other ways given aid to the Confederacy. Not one lawyer in a hundred of those who had been called to the bar in South Carolina before 1861 could have taken the test oath. Judge Bryan decided at once that the test oath in question was unnecessary, and from the first opening of the court all the members of the bar could practice in the United States and State courts without let or hindrance. The principle announced by Judge Bryan was, long afterwards, affirmed by the Supreme Court in the famous Garland case.

"Other questions of the utmost consequence arose from time to time, and Judge Bryan's position was always that of a bold and fearless expounder of the spirit and letter of the constitution. In this way, in face of the Enforcement Acts, he denied the jurisdiction of the United States courts in offenses against the

State, especially murder, and, for the protection of the accused, asserted their constitutional right 'to bear arms.' Judge Bryan asserted likewise the constitutional right of the citizens to immunity from persecution upon the statement of any private informant, and insisted that the grand jury alone—the representative of the people—can be the accuser under the constitution where an infamous crime is alleged. So, too, he insisted upon the strict enforcement of the laws of Congress to secure impartial juries, especially in political trials, planting himself squarely against the infamous practice of setting aside jurors for the purpose of packing juries for conviction and not for justice in the United States courts in this State. All of the positions taken by Judge Bryan which we have mentioned, and which were subjected to violent party and sectional criticism of the time, have been affirmed by the United States court. As passions cooled, the eyes of supreme judges became clearer. They then returned to these constitutional paths from which Judge Bryan had never swerved.

"It would be difficult, without using words which might seem overstrained, to express our sense of the value and importance of Judge Bryan's services on the bench. Throughout the whole period of twenty years and more he stood between the accused and prosecuting officers who were paid for convictions and juries who were selected to convict.

"In the days which are so near, and yet, nevertheless, seem so far, it was well-nigh impossible for a white man to obtain justice in the United States courts in South Carolina wherever there was the suspicion of political motive in the case and a negro had any part or parcel in the affair. All that saved the accused, in hundreds of instances, from being hurried to Albany Penitentiary was the assertion by Judge Bryan of their rights under the constitution of the United States. It was not his desire that any one who was guilty should be allowed to go free, but he demanded always that every trial should be according to the forms of law, and that no one should be tried, convicted or acquitted except in the way that the constitution and laws provide.

"What, indeed, would have been the condition of South Carolina in the years that the people were so oppressed and during the period that they were struggling for deliverance, if a bold and unscrupulous partisan had been on the bench? South Carolina would have been ground to the dust. South Carolina would have been well-nigh defenseless. For long, long years there was no law in South Carolina, no pure administration of justice outside of the District Court of the United States. What would have been our condition—how sad, how forlorn—if the district bench had been occupied by a man less pure, less conscientious, less patriotic, less devoted to the constitution and laws than the venerable jurist who now retires to private life?

"Well may Judge Bryan retire! The rest he now seeks he has well earned. Honor and love attend him. It is not demanded any longer that he remain in the arena. The cause of justice and right, which he so gallantly defended, is grandly victorious. Not only this. Judge Bryan was the shield and buckler of this people in their assertion of their privileges and rights. Had the United States Court been prejudiced and partisan or corrupt, it would have been difficult indeed to arouse the people as they were aroused ten years ago. They achieved their deliverance. The good gray head, which all men know, was bowed in thankfulness, and when, in the election of the present President, the party of the constitution was placed in power in Washington, Judge Bryan may well have felt that the time had come when he could lay aside his stainless robe with the proud consciousness that all he had contended for in the assertion of the majesty of the law was won at last and won for generations."

Judge Bryan lived nine years after his retirement from the bench in a ripe old age. He died in his eighty-seventh year at Flat Rock, North Carolina, at his mountain home, on the 28th of September, 1905.

Upon his death the proceedings of the United States Court at Charleston in his memory were very impressive. The resolutions presented by the United States District Attorney, and recorded on the journal of the Court, signally express the feeling and reverence of the bench and bar. They are as follows:

"Whereas, Being now assembled to pay dutiful and reverent tribute to the memory of George S. Bryan, late Judge of this Court, who has now passed away in a ripe old age, in the repose of a private life to which he had retired nine years ago, after a service of twenty years as United States Judge, carrying with him the esteem and respect of his brethren of the bench and bar; therefore,

"*Resolved*, That the bar and officers of this Court would record their appreciation of the high services of Judge Bryan as the presiding officer of this Court for twenty years, and during an unsettled and disturbed period in an administration marked by his lofty patriotism, incorruptible virtue, his faithful devotion to public duty, his unflinching courage, his large learning, his kindly patience and unfailing courtesy.

"*Resolved*, That we would perpetually commemorate his signal judicial services in his firm protection of the constitutional rights of the citizen, and his maintenance of the dignity and paramount authority of the civil courts of the United States over the military power under the constitution, and his vindication of the

rights and prerogatives of the members of the bar in the open courts of the United States.

"*Resolved*, That we gratefully remember his patriotic efforts and benign influence in healing the wounds of war and in restoring this State and the South to their proper and rightful place in a reunited and peaceful country."

On that occasion, among a number of other speakers, Honorable James Simons in his remarks drew this striking picture:

"Judge Bryan was one of the last survivors of a period in our civilization which produced men strongly marked by their own individuality. The characteristics of his individuality were pronounced and conspicuous. Possessed of a proud and intelligent loyalty, he loved his country with a breadth that reached beyond sectional lines and embraced the whole American nation. This spirit induced in him in youth to take up arms in its defense. In his mature manhood it gave fervor to his opinion that the Union of the United States should be indissoluble. Amid the excitement of a revolution, whilst he fearlessly maintained his conscientious opinion in opposition of the vast majority of the people of his State, he enjoyed their respect and esteem as well as the close and uninterrupted personal friendship of some of the most bitter political opponents, and this because his sincerity was beyond challenge.

"True to his State, he sustained without a murmur the sufferings and sacrifices, the result of a course of action which not only did not meet his approval, but was in opposition to his own deep-rooted convictions.

"When the Civil War was ended, it was a blessing to this people that there was such a man as he in a situation to be placed upon the bench of this Court. No man ever occupied such a position under such trying conditions as he did. The waves of oppression, lashed into tempestuous fury by the hurricanes of political passion and fanaticism which swept over the land, broke impotently against his firm and unflinching courage as against a rock. Faithful to the Government whose majesty he represented, he contributed in an eminent degree to the maintenance of the principles upon which it was founded, at a time when they were in great danger. Whilst he took care that it should not be betrayed to the oppression of its citizens, he saw to it that no man should offend its laws without being held to

the responsibility of their violation. His earnest and sincere desire to do justice made him a patient and attentive listener; the firmness of the magistrate was tempered by the courtesy of the gentleman. With a nature permeated by a broad humanity, with a tender heart, but with a just conception of the responsibility of a judge, he administered the law with determination, yet mercifully."

Judge Bryan was devoted to every public interest in the State and city he loved so well. He was an ardent promoter of all its educational interests. He was one of the board of trustees that founded the present public school system; he was for many years a trustee of the College of Charleston; he was one of the founders of the Charleston Art Association; he was also a member of the "Charleston Club," the select literary and intellectual circle of old Charleston. His public addresses were of a high order, that on James L. Petigru's death in 1863 being a noble and brave tribute under the echoes of the guns then bombarding Charleston.

Although much engrossed in the cares of judicial office, Judge Bryan was always an ornament to the society of the State, and was always an eager student of the literature of the times. He was among the first to realize the power of Henry Timrod, and in all the trials of that pathetic life he was always the friend and patron of the poet, and most tenderly did the gifted genius repay that devotion. It was in token of this friendship that Paul Hayne dedicated to Judge Bryan the first edition of Timrod's poems, and the late memorial edition of Timrod's works has a page inscribed to that friendship.

In his family and social life he was winning and cordial. A host of friends greeted him gladly everywhere, and his fireside was warm with the glow of a deep, generous heart. On the day of his burial, in the graveyard of old St. Michael's, the voice of his people, among whom he had lived eighty-six years, spoke in these words of the press:

"Full of years and crowned with honors, the Honorable George S. Bryan has passed away. The end came at his summer home in the mountains on Saturday, and today his body will be laid to rest among his people in Charleston, whom he loved and served so well. Calm and peaceful will be his sleep, for he died as he had lived, with a conscience void of offense towards God and towards man.

"Judge Bryan was an honest man. He kept faith with himself, and so it was said that he was never false to any one. He had convictions and he was true to his convictions through storm and trial. As gentle as a woman, he yet was firm as rock and as true as steel. He lived in an historic period of his State. There can never be any brighter pages in the records of South Carolina than those which contain the story of Judge Bryan's work on the United States district bench. It was owing to his firmness, to his fidelity to the constitution, to his unyielding spirit, that the sword was compelled to make way for the civil power. He did not seek trouble, he preferred the quiet and orderly ways of peace, but when the question was presented to him on the bench he did not hesitate to order the arrest of the United States military commandant of the district. He was the strong tower of the people's defense in the years when military despotism prevailed and when the United States courts were organized to aid the political powers. For more than twenty years he performed his duties faithfully, and after peace had been restored to the country in fact, he laid aside his judicial robes unspotted and free from any stain. South Carolina and the South and the country owe a debt of everlasting gratitude to the brave-hearted, true gentleman who rests with folded hands today, his life's work ended here, his life's work rewarded yonder.

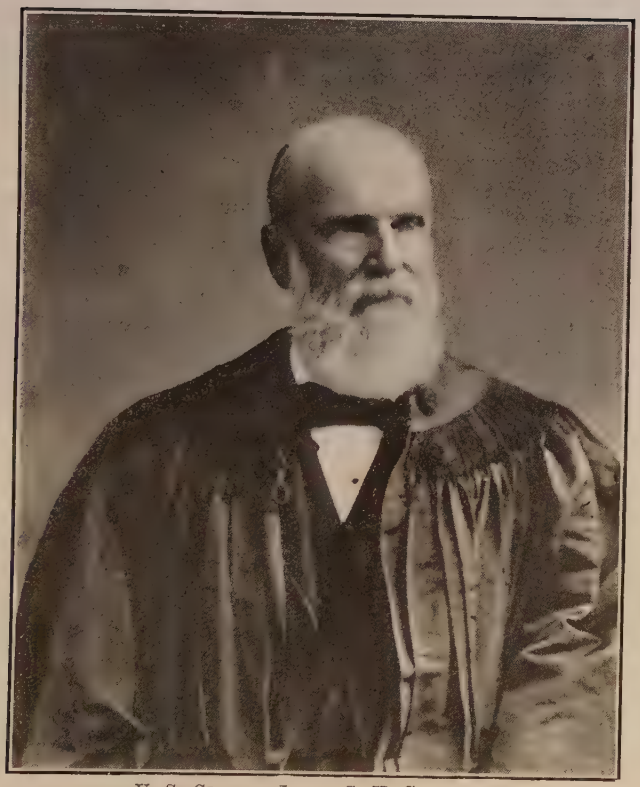
"We shall never see his cheery face again, we shall never rejoice in his delightful conversation more, but while we sorrow for the dead we must thank God that he lived among us and that his life was an inspiration and a benediction."

JUDGE CHARLES HENRY SIMONTON.

Charles Henry Simonton, son of Charles S. Simonton and Elizabeth Ross, was born in Charleston, South Carolina, July 11, 1829. He was of Scotch-Irish parentage and ancestry. He was educated, first, at the public school in Charleston known as the High School, of which Dr. Henry M. Bruns was principal. Thence he entered the Charleston College, where he remained about one year, when he entered the South Carolina College, at Columbia, South Carolina, October, 1846. He was graduated in December, 1849, receiving the first honor in his class.

He taught school in Charleston for one year as assistant in the private academy of William J. Rivers, who was afterwards professor in the South Carolina College. Mr. Simonton studied law in Charleston, South Carolina, under Honorable William Munro, who was afterwards a judge of the Appellate Court of South Carolina. He practiced law in the city of Charleston (the interval of four years of service in the war between the States excepted) from 1852 to August, 1886, when he was made United States District Judge for the District of South Carolina. After the war ended in 1865, he formed a partnership with Theodore G. Barker, Esq. The law firm of Simonton & Barker was conspicuously successful, and Mr. Simonton became a prominent leader of the bar in Charleston. He was a member of the South Carolina Legislature from 1858 to 1860 (inclusive), again in 1865-1866, and again from 1876 to 1886. He was Speaker of the House of Representatives in 1865-1866, and chairman of the judiciary committee and a leader of the House from 1877 to 1886.

In December, 1860, when South Carolina seceded from the Union, Mr. Simonton was captain of a volunteer militia company known as the Washington Light Infantry, which, after the secession ordinance was passed, was directed to take possession of the United States arsenal in Charleston. He, with this company, afterwards served in Castle Pinckney, and in camp on Morris Island, at Secessionville on James Island, and on Sullivan's Island, and until the surrender of Fort Sumter, the Washington Light Infantry being the right company of the First



U. S. Circuit Judge C. H. Simonton

Regiment of Rifles, Colonel (afterwards General) J. Johnston Pettigrew commanding.

In 1862 the Twenty-fifth Regiment of South Carolina Volunteers of the Confederate States Army was formed, and Captain Charles H. Simonton was elected colonel. His regiment served chiefly on James Island, guarding Charleston harbor and the approaches to the city of Charleston, Colonel Simonton for a long time exercising command of the island (as a brigade post) under General Beauregard. In 1865 the Twenty-fifth Regiment, as a part of Hagood's Brigade, was ordered to the defenses below Wilmington, on the Cape Fear river, where a part of Hagood's Brigade, under Colonel Simonton, acting as rear guard of the brigade, was outflanked, overpowered by a superior force and captured. Colonel Simonton was confined in Fort Delaware until after the surrender of the Confederate army.

In August, 1886, upon the retirement of Judge Bryan, Colonel Simonton was appointed by President Grover Cleveland Judge of the United States Court for the District of South Carolina. In September, 1893, he was made United States Circuit Judge of the Fourth Circuit, and until his death was a member of the United States Circuit Court of Appeals.

Judge Simonton's decisions as district and circuit judge, and the opinions of the Circuit Court of Appeals delivered by him, are contained in the Federal Reporter from volume 28 to volume 127, inclusive.

In 1857, Mr. Simonton had compiled and published, in colaboration with James Conner, Esq., of the Charleston bar, "The Equity Digest," covering the decisions of the Court of Chancery of South Carolina from the Revolution of 1776 to 1856, inclusive. In the year 1896, Judge Simonton delivered before the law school of Richmond College, Virginia, a series of lectures on "The Federal Courts; their Organization, Jurisdiction and Procedure," which he afterwards published.

On the 17th of March, 1904, Judge Simonton presided in the Circuit Court at Raleigh, North Carolina, in an important injunction case. During the hearing he suffered, and fearing a return of a former trouble, gastric catarrh, after leaving Raleigh he traveled to Philadelphia to consult Doctor Wharton Sinkler, and there entered the Orthopaedic Hospital for treatment and rest. He had been there several weeks before his physical condi-

tion became serious, but until a week before his death no doubt was entertained as to his recovery. The end came suddenly, and he died on the morning of Tuesday, April 25th, several members of his family and his home physician from Charleston, South Carolina, being present. He had nearly completed his seventy-fifth year. His remains were conveyed to Charleston and were interred in Magnolia Cemetery; his funeral services were held on the 27th day of April at the Second Presbyterian Church in that city. His pastor, the Rev. Dr. Charles S. Vedder, of the Huguenot Church, of Charleston, where Judge Simonton had in late years worshipped, officiated. He was assisted by Reverend K. G. Fraser, the pastor of the Second Presbyterian Church, to which the parents of Judge Simonton had belonged and where he himself for many years of his life had worshipped, having for some time been president of the corporation.

On the death of Judge Simonton his brethren of the bench and bar took occasion to express their appreciation of his qualities as a lawyer, as a jurist, and as a man. Appropriate resolutions were submitted in the United States Circuit Court of Appeals, in the United States Circuit Court for the District of Maryland, in the same Court for the District of South Carolina, and in the Supreme Court of that State. On each occasion addresses were made by members of the bar, and to these fitting responses were made from the bench.

The following tribute is an editorial in "The State," Columbia, published immediately after Judge Simonton's death:

"It might have seemed a little strange to some when Charles H. Simonton was elevated to the bench of the Circuit Court of the United States. For four years he was a soldier fighting in the army of those who felt that in bearing arms against that Government they were fighting for the very principles for the enforcement of which courts are organized—justice and liberty. The elevation of such a man, worthily representing the South, whilst it fitly illustrated the actual restoration of this people to their rights and their influence in the nation, devolved upon the new incumbent duties and functions of a very delicate character. All of these Judge Simonton discharged with credit to himself, with satisfaction to the people of all sections, and with honor to the profession in which he had before attained eminence. The Circuit Court of the United States had not previously commanded respect of the kind which must underlie the wholesome

administration of justice by any tribunal. It fell to Judge Simonton to meet this situation—certainly not without its embarrassments—and it is but simple justice to him to say that he met it after the manner of a just judge, an able lawyer, and an honest man.

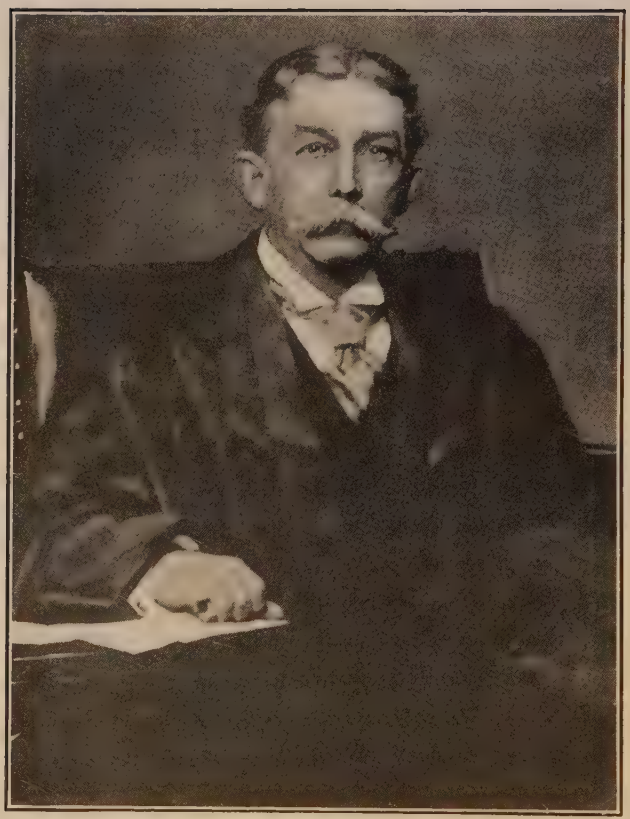
"Prepared for this higher service by seven years' experience on the bench of the District Court of South Carolina, he was for both stations fitted as well by thorough knowledge of the particular matters coming under his jurisdiction as by judicial temper and previous experience. The testimony to his preëminent fairness has come from those who, having clients' interests at stake, felt always that whilst there might be error of judgment or mistake of fact, every decision of that court would embody the honest conclusion of an honest man.

"In the Legislature Judge Simonton had made an impression that has lasted through all the eighteen years of his judgeships, and that has found frequent expression in the approving words of those who have had occasion to examine the workings and the products of that branch of the State Government. A most effective speaker, persuasive rather than aggressive, yet convincing by reason of good logic untechnically employed, Judge Simonton's best work may be said to have been done otherwise than in debate. Well informed upon every matter pending, his good suggestions with precedents drawn from the history of legislation in South Carolina, with a special talent in the use of apt terms whereby to express the legislative intent so certainly as to obviate any need for judicial interpreters affecting the people, though not of especial interest to his own community and of less interest to him as lawyer or publicist, Judge Simonton in the House gave that conscientious attention to all its work which made him one of the most useful men that ever sat in either branch of our General Assembly.

"Of Judge Simonton's personal character—the qualities of which themselves won for him the warm regard of friends and the kindly feeling of acquaintances—there will have been said by those speaking from their own experience enough to show that it was not only as judge, lawyer, citizen, soldier, that he impressed himself on his fellow-man so as to leave a name which among the people whom he served shall be held 'in everlasting remembrance.'"

The following extract from the remarks of the Honorable Thomas J. Morris, United States Judge for the District of Maryland, presents an incident in Judge Simonton's life which deserves mention as showing two of his most conspicuous qualities—his love for his profession and his kindliness of heart:

"But the great interest of his life was the law. When by the fortune of our war he was taken prisoner and placed with other officers in Fort Delaware, he found there a number of educated young men who were in great need of something to do. He gathered them into a school of law, and, obtaining some books, he directed their studies in the law and daily instructed and examined them. It was a great satisfaction to him in later years, when he was holding court in the different States of his circuit, to find before him a capable lawyer who owed his start in his profession to the prison law school. I think this incident illustrates both his devotion to his profession and his great desire to serve the highest and best uses in life under the most trying conditions."



U. S. District Judge Wm. H. Brawley

JUDGE WILLIAM H. BRAWLEY.

Honorable William H. Brawley, Judge of the United States Court for the District of South Carolina, now residing in the city of Charleston, was born in Chester, South Carolina, May 13, 1841; graduated at the South Carolina College in 1860; enlisted as a private in the Sixth Regiment of South Carolina Volunteers in April, 1861, and was with this command at the time of the attack upon Fort Sumter, and shortly thereafter went with it to Virginia, participating in all the battles in which it was engaged, until his military career was cut short at the battle of Seven Pines, where, late in the afternoon of May 31, 1862, he received a wound necessitating the amputation of his left arm. After three months in the hospital at Richmond he returned home, and his father having died meanwhile, he took charge of the plantation, where he remained until April, 1864, when, partly to recover his health, which had been much impaired, and partly for the completion of his education, he ran the blockade and went to Europe, where he remained for study and travel until November, 1865, when he returned home, studied law, and was admitted to practice in 1866. He was elected Solicitor of the Sixth Circuit in 1868; was reëlected in 1872, and in 1874 resigned that office upon his removal to Charleston, where he became associated in the practice of law with the Honorable W. D. Porter, and subsequently, upon Mr. Porter's retirement from the bar, became associated with Honorable Joseph W. Barnwell. He was elected to the Legislature from Charleston in 1882, and, by successive reëlections, remained in the Legislature until his election to Congress in 1890, having been the chairman of the judiciary committee of the House during the last years of his service there. Possessing scholarly attainments, a complete master of the English language, with accurate and comprehensive knowledge of the public issues of that day, he entered Congress fully equipped for the work before him.

In March, 1892, the people of the United States became acquainted with his ability and power through his speech in the debate on the silver question in opposition to the Bland Bill for free coinage at the ratio of sixteen to one. This speech elicited

most favorable and extended comment from prominent men in public life, and the leading newspapers of the country, and was regarded as one of the most valuable utterances on that question, evincing careful study and preparation and thorough knowledge of the subject. The closing paragraph of that speech was referred to by many of the leading newspapers as a model of style as well as sentiment. It is as follows:

"There has been the strongest and most subtle temptation to earn the approval of my constituents by hypocritical conformity with what is represented to be their will, but my convictions as to the injurious effect of this bill have been so strong that such mendacious compliances have been impossible to me, and dear as their approval would be to me, I hold my conscience higher than their praise. My strongest sympathies are with the plain people of our State, and I will willingly give to their service whatever I have of ability and experience. If it is their will that such service shall end, there will be no word of complaint or censure from me, but so long as that service continues I must retain my own respect without undue subservience; and, preferring private station, will endeavor to live my life clear of injustice, and to adopt the words of an ancient philosopher: 'Depart when my time comes in mild and gracious mood, with fair hope.'"

The late Speaker Reed, commenting on it, said: "That last paragraph is worthy of the finest old Stoic who ever talked philosophy."

His speech on the bill to repeal the Sherman Act, in September, 1893, elicited like favorable comments and again demonstrated his fitness for leadership in public affairs, so that it was with great regret that many of his constituents learned of his retirement from Congress in February, 1894, to accept the appointment from President Cleveland as United States Judge for South Carolina, an appointment which was offered without any intimation of his desire for that office. His career as a judge has been marked by the same ability, steadfastness of purpose, and adherence to principle, which had characterized his previous public life. His pure style and vigorous language have added much to the value of his decisions, which have covered a wide field, embracing questions of admiralty, patent law, prize law, etc.

His occasional addresses have exhibited a wide range of thought and scholarship, and are marked by great felicity of diction. Among the latest of such addresses is one delivered at Chester

on the occasion of the laying of the cornerstone of a monument to the Confederate dead of that county, May 10, 1905. It is doubtful if any address of recent years on the causes of the war has awakened so much public interest all over the country. We are informed by the publishers of the "News and Courier" that requests for copies of it have come from every part of the country, from Maine to California. "Harper's Weekly" has referred to it, in a recent editorial, as "an oration admirable in thought, word and spirit, which we commend to the attention of such readers as can by any means lay hands upon it. It is a discourse of so much charm, and put together with so fine a sense of harmony, that it could not be properly presented in fragments, as extracts could not do justice to it." One of the most scholarly men of the South has written of it: "It has conspicuous merit as history, rhetoric, sentiment. Its language is perfect, and its spirit lofty; proud, but not arrogant; conciliatory, but not deprecatory; dignified, catholic, patriotic."

ADDRESS OF WILLIAM H. BRAWLEY, MAY 10, 1905, AT THE LAYING OF THE CORNERSTONE OF A MONUMENT TO THE CONFEDERATE DEAD, AT CHESTER, SOUTH CAROLINA.

Aeschylus, dying in Sicily, an exile from his native land, wrote this epitaph, which the inhabitants of Gela inscribed upon the monument erected to his memory:

> "Athenian Aeschylus Euphorion's son,
> This tomb at Gela holds, his race now run,
> His deeds the grove of Marathon could tell,
> And many a long-haired Median knows them well."

There is no mention here of his literary achievements, of those sublime tragedies which, after more than two thousand years, remain to charm scholars of every land and have placed his name among the immortals. It is not of these well-earned titles to fame that he wishes the world to be reminded as the shadows of death gather about him; but in that solemn hour his thoughts go back to the days of his young manhood and to his beloved Athens, and that in his life, which he deems most worthy to be recorded and remembered, is that he was a soldier of Athens on that fateful and glorious day at Marathon when she opposed her single breast to the Persian hosts, and there stemmed the tide of invasion. Those of us who are with you today, survivors of the comrades whose memory this monument is designed to guard, have little in common with the great Athenian. We will leave no works destined to immortality, but we have this in common

with him, that when our race is run, and the purple shadows rest upon us, whatever we may have achieved of fame or fortune will shrink to nothingness, and we will feel as Aeschylus did, and our proudest memory and last request will be like his, that it shall be recorded of us that we were soldiers of our country.

The day chosen for dedicating this monument is consecrated all through the South to the Confederate dead. On this day in every city, town and hamlet our noble women strew flowers on their graves. Later in the month, when the tardier seasons of the North bring forth their blossoms, the same pious offices will be witnessed there. A stranger to our institutions and history finds it difficult to understand how it can be truly said of those who fell on opposing sides in that deadly conflict which ended forty years ago, that both died for their country, but that is now the accepted belief of high-minded men everywhere. Now that the passions of that great conflict have subsided, and time has given the true perspective, we see that it was unavoidable, without the surrender of beliefs and convictions that no people worthy to be free can ever surrender without a struggle to maintain them. The seeds that ripened into war were planted long before our day.

Whether the union of the States under the constitution created a nation to which paramount allegiance was due, or whether it was a confederation of sovereign States, a compact dissoluble at the will of the parties, was, to say the least, a debatable question. This is not a fit occasion to present the argument on either side, but I may quote briefly from two writers to whom cannot be imputed any bias towards the Southern view. Mr. Henry Cabot Lodge, a Senator from Massachusetts, in his Life of Daniel Webster, says: "When the constitution was adopted by the votes of the States at Philadelphia and accepted by the votes of the States in popular conventions, it is safe to say that there was not a man in the country, from Washington and Hamilton on the one side, to George Clinton and George Mason on the other, who regarded the new system as anything but an experiment entered upon by the States, and from which each and every State had a right to peaceably withdraw, a right which was very likely to be exercised"; and Mr. Goldwin Smith, an eminent Englishman and strong partisan of the North, has recently said: "Few who have looked into the history will doubt that the Union originally was, and was generally taken by the parties to it to be, a compact, dissoluble, perhaps most of them would have said at pleasure, dissoluble certainly on breach of the articles of union." For the first quarter of a century after the adoption of the constitution this was the generally accepted view, more frequently expressed, perhaps, at the North than at the South, by Josiah Quincy, a Representative from Massachusetts, in the House of Representatives, at the Hartford convention, and elsewhere, as the settled

conviction of the men of that day. Mr. Charles Francis Adams, in his admirable address before the New England Society in Charleston, a couple of years ago, reviewed the whole subject in the most fair and philosophic way, with the conclusion that both sides were right. There is no man in the country who can speak with more authority on this question than the grandson of John Quincy Adams, himself a gentleman of rare distinction and cultivation and the president of the Massachusetts Historical Society.

Whatever changes of opinion may have occurred elsewhere, there was never any question in South Carolina that paramount allegiance was due to the State. Duty to the State was the foundation stone of our political faith. It was not considered open to disputation, and was accepted not as a deduction of reason, but as an article of faith no more to be questioned than the Christian religion; hence we were tormented with no doubts. In 1860 our institutions were of the patriarchal type. Our interests were mainly agricultural, and it is a marked characteristic of all agricultural peoples to cling most tenaciously to traditions and inherited beliefs. The great wave of foreign immigration that had filled the North and West had left us untouched. Our people were the descendants of those who had been on the soil since colonial days. The British had been driven from this soil mainly by the arms of its own people, and South Carolina was an independent sovereign State long before the constitution of the United States was adopted, and that sovereignty was not surrendered in terms when the constitution was ratified. The history of the times makes it clear that the constitution would not have been adopted if it had been supposed that it involved that result, and all of our traditions were that the United States was a union of sovereign States which had conferred upon the general government certain specifically designated powers, reserving all others, and as the constitution had provided no tribunal for deciding whether the terms of the compact had been infringed, it was an article of faith deep rooted and unquestioned that each State was the final judge and must decide for itself whether a continuance of the compact was consistent with its honors and its interest. The State had its history, its sacred places, before the Government of the United States was formed. Its soil was marked by historic spots that told of deeds of daring and stirring adventure. From the rude palmetto fort on the sandy wastes by the sea, where, before the Declaration of Independence, the spell of British naval invincibility was broken, to the rugged heights of King's Mountain, there were on every hand the battle fields that told the story of its glory. The whole history of the commonwealth had been one of fair renown. Her public credit had been always maintained with most scrupulous faith. Her judges were illustrious for wisdom, learning and

integrity; her statesmen of spotless fame. No excesses of lawless violence had ever smirched her record as a law-loving, law-abiding community. Her people, living amid all the native influences of country life, maintained in an unusual degree all the domestic virtues, cultivated the social graces, held the sentiment of honor as a sacred principle, reverenced religion and respected the law. The State had for one of such small geographical extent an unusual variety of soil and climate, producing within herself nearly everything that was necessary for the comfort of her people, and this naturally caused a sense of independence. Her people were peculiarly jealous of their liberties, clinging with great tenacity to local autonomy and watchful of an encroachment by the Federal Government upon the rights reserved by the constitution of the States. They had suffered much during the Revolution, and a centralized government was associated in their minds with the idea of despotism and foreign rule.

It is very difficult for those who have known the State only in the dismal period that followed the war, when she was known for many years as "the prostrate State," to understand the feeling during the days when she was relatively rich and prosperous, when her institutions and her life caused her people to be deeply penetrated by a spirit of independence, a sense of separateness, a kind of national consciousness.

Mr. Bancroft, in the fifth volume of his history of the United States, published in 1857, has as the caption of Chapter XIV, repeated at the head of the ten succeeding pages, "South Carolina Founds the American Union," and near the conclusion of the chapter, after quoting from Christopher Gadsden: "Our State, particularly attentive to the interest and feelings of America, was the first, though at the extreme end and one of the weakest, as well internally as externally, to listen to the call of our Northern brethren in their distresses. Massachusetts sounded the trumpet, but to South Carolina is owing that it was attended to. Had it not been for South Carolina, no Congress would then have happened," he says, "as the united American people spread through the vast expanse over which their jurisdiction now extends, be it remembered that the blessing of union is due to the warm-heartedness of South Carolina." In the edition of this history published after the war, the heading above quoted and much of the substance, including the passage cited, is omitted. If what was written as history in the fourteenth chapter of the first edition was true when written, it must have been true ten years later, and there seems to be no explanation of such omissions, but that it is a part of a system of calculated disparagement to which our ill fortune has subjected us for the past forty years.

There is a growing legend that the war was fought for the abolition of slavery on one side, and for its perpetuation on the other, and as the most conspicuous result of the war was the suppression of this institution, there is danger that this legend may be accepted as historic truth, for it is in the nature of a man to look at broad and accomplished results rather than at causes. The public opinion of the world condemned slavery, and we have had to bear the obloquy of being its defenders. A defeated cause makes no appeal to the vulgar imagination, which finds in success the only criterion of merit and of truth. It is, therefore, fitting that on all proper occasions those who know even a little of the truth should give expression to it, that the motives which guided the conduct of those who have passed away should be unfolded. Mr. Lincoln, in his inaugural address, says: "Apprehension seems to exist among the people of the Southern States that by the accession of a Republican administration their property and their peace and personal security are to be endangered. There has never been any reasonable cause for such apprehension." He then quotes from one of his speeches: "I have no purpose, directly or indirectly, to interfere with the existence of slavery in the States where it exists; I now reiterate these sentiments." He then pledges himself to enforce the provision of the constitution relating to the return of fugitive slaves, and suggests additional legislation on that subject. In July, 1861, the Crittenden resolution, which, as said in Nicolay and Hay's Life of Lincoln, "embodied the controlling thought and purpose of the administration and the country," was passed with but four dissenting votes in the House of Representatives and but five dissenting votes in the Senate. This resolution is, in part, as follows: "That this war is not waged * * * for the purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the constitution, and to preserve the Union with all the dignity, equality and rights of the several States unimpaired, and that as soon as these objects are accomplished the war ought to cease." In September, 1861, Mr. Lincoln issued an order revoking General Fremont's proclamation of military emancipation in Missouri, and it was not until one year after, when, as said in the Life of Lincoln above quoted, volume 4, page 425, "the Richmond campaign had utterly failed, Washington was menaced, the country was despondent, and military necessity now justified the policy of general military emancipation." Accepting these repeated and solemn declarations as being sincere and as truly representing the sentiments and policy of Mr. Lincoln's administration, it may be said with confidence that there was no time, from the day of the passage of the first ordinance of secession up to the autumn of 1862, when the Southern States would not have been welcomed back into the Union with the most ample pledges and guarantees

for the perpetuation of the institution of slavery. Those who look for the causes of secession must find some other motive than a mere desire to save the institution of slavery.

Undoubtedly it was the feeling aroused on the slavery question that was the immediate cause of secession. Whether there would ever have been an attempt at secession but for slavery cannot be stated with certainty. All who are familiar with the state of public sentiment at both periods will probably agree that the feeling on the silver question ten or fifteen years ago was far more intense, more widespread, more all-engrossing; that the agitation in favor of free coinage was better organized and conducted with greater zeal and acrimony and aroused more bitter antagonism towards the so-called money power than was ever known at the time of secession, and but for the failure of that movement forty years ago, that or some kindred subject might have led to the attempt at a later day and possibly with more chance of success. It was our fate that the right of secession, the question of divided sovereignty, should be settled in our day and in our blood.

As far back as 1830 there had been great dissatisfaction in the State on account of the protective tariffs then enacted, which were considered adverse to our interest, and under the guidance of Mr. Calhoun the State had sought to nullify acts in what he advised was a constitutional remedy, but that trouble had been adjusted by compromise. Later the Southern States had been denied equal rights in the territories secured in part by their blood and treasure.

For years there had been agitation in the North against slavery, a species of property secured by every sanction of the constitution, culminating in the raid of John Brown, and in the attempt to excite servile insurrection, so when it came to pass that a President was elected by a purely sectional majority, by a party whose cardinal doctrine was hostility to our institutions, is it to be wondered at that our State should believe that the more "perfect Union" which the constitution was designed to secure had failed in its chief purpose; that interest and honor demanded that the compact be dissolved, and that there should be a desire to part company with those associates whose interests and feelings were supposed to be hostile to us? The constitution had made no provision for such a contingency, and no tribunal had been devised for the decision of a case like this. Logic and reasoning could not settle it, for there was much to be said on either side. It had to be decided by the course of events, and ultimately by force. A wiser statesmanship might have foreseen that the greater preponderance of material force was on the other side, and have avoided the issue. It might have foreseen that the public opinion of the world had been setting steadily against slavery for thirty years, and that in any conflict in which that

issue seemed to be involved we would have the whole world against us. It might have felt the influence of those sentiments which may be called the spirit of the age and which were leading towards concentration and not towards separation—that spirit which but a few years later led to a united Italy and to a united Germany.

In the dimness of anguish that followed the defeat of our cause, in the grief for the loss of friends and companions—the flower of our land—in the devastation of our homes, and in the destruction of our property, the accumulated results of years of industry and self-denial, there has been criticism and condemnation of the lack of foresight and ineptitude of the leaders who brought about a contest which wiser men might have seen was foredoomed to failure. I have no such reproaches to make. In the ordinary affairs of life the counsels of prudence are the counsels of wisdom and are to be followed, but there is a time in the life of every individual and of every people when they must do what they think to be right regardless of consequence. I do not know how others feel about it. Taking but an humble part in the war, expecting no glory from it, and reaping none, being one of the unnumbered thousands whose only duty was to do and to suffer, with no bitterness in my heart towards those whose sense of duty arrayed them on the other side in that conflict, that brought to us so great calamities, I feel as Demosthenes when a like calamity befell his beloved Athens: "I say that, if the event had been manifest to the whole world beforehand, not even then ought Athens to have forsaken this course, if Athens had any regard for her glory, or for her past, or for the ages to come." It is doubtful that the questions that divided us, that vexed our repose and retarded our development, could have been settled otherwise than as they were settled—by blood and iron.

We were not a people to surrender lightly long-cherished beliefs and deep convictions or to barter them away. We had to fight for them, and, having lost, we accept loyally the result of the contest we invited, finding our compensation in the richer, fuller national life which has been opened to us.

They commit an immense error who hold that what was once right is always right. That is true in the domain of morals, where the great primal obligations change not, but in institutions and government the fluxion of time and events necessitates successive re-adaptations to changes in environment.

In 1860 slavery was regarded in the South as a divine institution; in the North as the "crime of the century." A hundred years before there was no question anywhere in the world as to the right of property in slaves, and Old England and New England were busily engaged in selling them to us. Fifty years later, slavery in the South was generally regarded as a necessary evil, to be gotten rid of as soon as practicable. My uncle has

frequently told me that he had heard his father preach against it in old Hopewell Church in this county.

The time will come, if it has not already come, when slavery in the South will be looked on simply as a phase in the evolution of race; that we will be regarded as merely blind instruments, moved by an unseen hand, whereby the savages of Africa were transmuted into frugal and industrial laborers, to be thereby trained and prepared for a civilization which of themselves they could never attain.

I would take no part in any of these observances if I believed that they tended to reopen old wounds or to create bitterness, or were in any wise inconsistent with my obligations to the Government whose commission I bear.

We of the South are not called on to blot out the memories either of our glories or of our disasters; on the contrary, as our troubles in the past were largely due to misunderstandings of the motives and principles which influenced conduct at that critical period of our history, any one who can shed the slightest ray of truth will best serve his country by doing so, for the more the truth is known the more united will the country be.

It is the everlasting glory of the American people that within a half century of the close of the most bitter and deadly contest they are more united now that ever before, nearer to that "perfect Union" designed by the fathers, every part vieing with the other in devotion to a common country and pride in its great destiny.

In our mother country it was more than two centuries after Cromwell's death before the statute of the "great protector" was placed in the yard of Westminster looking defiantly up the avenue, at the other end of which is the bronze figure of Charles I, whom he beheaded.

There are doubtless those now living who will see the statute of General Lee facing the great antagonist whom he met on so many fields of deadly strife, and looking calmly across the Potomac on his old home at Arlington, where rest the nation's dead.

The statesmen and the great captains that led our armies have passed into the realm of shadows; the voices that could speak with authority are dumb forever; but it behooves every one who had any part, however small, in that great drama to tell all that he knows, when so doing he may vindicate the motives and memory of his dead comrades. To "let the dead past bury its dead" is a coward's maxim, if by that it is meant that one should be silent when to speak is duty.

I was a college student just coming into manhood in those days, and profess no special knowledge, but I think that I know something of the feeling then prevailing. To say that we were led into the war by the plotting and machinations of our leaders is untrue and unjust. My own immediate surroundings, the

older men with whom I was associated and to whom I looked for guidance, were what were then known as Union men as contradistinguished from the Secessionists, and a majority of the people of this county were of that type. They had opposed Nullification in 1832 and separate State action in 1852. They had voted for Mr. McAlily for Senator, in the autumn of 1860, as the candidate opposed to secession, and he was, I believe, the only Senator who voted against calling the convention that passed the ordinance of secession. His oldest son, who was killed in the war, was my most intimate friend, and immediately after my admission to the bar in 1866 he took me into partnership with him, being at that time the leading lawyer in this part of the State; so I think that I had some opportunities of knowing the sentiments of that large body of our people who were in the beginning opposed to secession, but immediately after the calling of the convention all divisions vanished and the movement in favor of secession seemed to be unanimous. The people felt and acted as one man.

Nor can it be truly said that the movement was due to any deep-seated hostility to the North or to the Union, for among the people that I knew there was a strong traditional sentiment in favor of the Union. Most of them were descendants of the soldiers of the Revolution, and the 4th of July was always celebrated with great enthusiasm.

Nor can it be said that it was in any way a movement of adventure of men of desperate fortunes who sought in revolution the opportunities of self-aggrandizement, for our people were generally men of substance, some of them men of large fortunes, but most of them sturdy yeomen who owned their farms.

I would say, then, so far as it was permitted me to know, that the movement of secession was one which came from the very heart of the people, from some irresistible impulse.

It seems to me that it was largely a matter of sentiment—it may be called narrow, inflamed, misguided—but sentiment, pure and simple, untainted by sordid thought or selfish ambition; that we were all under the compelling power of an unseen hand, which the Greeks called Fate, and which we would call Providence, moving us towards a destiny unpenetrable by mortal vision.

I trust that it will not be considered inappropriate to this occasion that I have indulged in a few personal recollections of no material consequence in themselves, and in some opinions which (having been formed in youth) are of little value, except as honest impressions which may throw a little light upon a period the chief actors in which have passed away.

The pen of history can only record its larger events. It takes no account of the little rills that go to make the larger stream, but the spirit of an epoch, its true atmosphere, can be gathered only from the actions and incidents in the lives of individuals,

often obscure and generally unknown to fame. Let me speak, then, for a moment of that small band that went out as privates in one of the companies from Chester on that fair April morning in 1861, and messed together during their period of service. There were eight of us, all save one were college graduates, three of them being members of the bar. I have on another occasion referred to my ever-to-be-lamented friend, Moffatt Grier, who, losing a limb at Williamsburg, survived the war, becoming a doctor of divinity and president of a college, dying too soon for his fame and too soon for his State, which he loved with absorbing devotion and served in war and in peace with equal fidelity.

Easily first among us was my other older friend, Lucius Gaston, whom I looked up to with boyish admiration and love which the lapse of more than forty years has in no wise abated. He was about ten years my senior, but our next-door neighbor, and a family connection brought me into as close intimacy as such difference of age permitted.

Brave, handsome, modest, able, continent, in the full tide of practice at the bar, which gave assured promise of early attainment of the summit of success, he left a beautiful young wife, two young children, a happy home, his much-loved books, and everything that goes to the making of the charm and joy of existence; served for the first year in the ranks, and upon the reorganization in the spring of 1862, was made captain of his company, and died on the field of battle at Seven Pines. Of all the men with whom I had personal association, his loss was the greatest. He would surely have been our leader during the trying ordeal of the period of Reconstruction. His wise and sagacious counsel would have tempered all harshness, and when the State came to its own there is no office that he would not have adorned. His learning, his dignity, the sweetness of his temper, his unblemished life, would have made him a great judge, and in the Senate of the United States he would have been one of the glories of the commonwealth.

It would ill become one who was a part of the Confederate army to speak of its valor, its faithfulness, its hardships, and its sufferings, nor is it needed, for the whole world was filled with its fame. It cannot be amiss, however, to cite a few words of Mr. Swinton, the Northern historian of the Army of the Potomac: "Who that ever looked upon it can forget that army of tattered uniforms and bright muskets, that body of incomparable infantry which for four years carried the revolt upon its bayonets, opposing a constant front to the mighty concentration of power brought against it; which, receiving terrible blows, did not fail to give the like; and which, vital in all its parts, died only with its annihilation."

And now, ladies, one word of sincere thanks for the honor you have done me in selecting me to deliver the address upon this

interesting occasion. My path in life has led me from the home of my boyhood, but my tenderest memories are associated with it, and nothing that concerns it has ever been or can be a matter of indifference to me. When your summons came to me I felt that I must needs obey it, although I knew that the pressure of other duties would prevent any adequate performance of that task which your partiality imposed. I shrank from it for another reason, and that was that I knew that this occasion would bring up most tender and painful memories that I preferred to keep within the silent chambers of my heart; that I would miss here so many of the old familiar faces, so many of the sights and scenes of former years.

I felt all the more bound, however, to answer this call because it seemed to me that far beyond any wish to pay a compliment to one that belonged to you, by right of birth, was your desire that the United States in my person should unite with you in this pious service in memory of our dead, and you were right, for the achievements of the men whose memories this monument guards, the simple manhood of their lives, their bravery in battle, their faithfulness to their cause, their patient endurance of hardship and suffering, their uncalculating and unceasing devotion to duty as they saw it, even unto death, belongs not to Chester, not to South Carolina alone, but is the common heritage and glory of the American republic.

On Columbus Day, October 12, 1892, the four hundredth anniversary of America's discovery, when the school children in Greenville, South Carolina, passed the Confederate monument they placed flowers at the feet of the lone sentinel. This incident suggested the following lines:

ADDRESS TO THE CONFEDERATE SOLDIER.

1865—2265.

1.

Four hundred years have passed away,
Come forward, Soldier true!
Four hundred years have passed away,
The world would honor you.

2.

The air is full of music,
The banners flying gay,
The children chant your praises,
This is your Triumph day.

3.

We loved you very dearly,
  We claimed you ours alone,
But now your deeds of valor
  Are known in every zone.

4.

Lift up your eyes, dear Soldier!
  And raise your thoughtful head,
The cause for which you fought so well
  Was never lost or dead.

5.

The world stood by and watched you
  When you fought the fight alone,
But now they come with paeon
  And laurel to atone.

6.

The nations all are rising—
  They come across the sea,
Their cry is "On to Richmond!
  We'll honor Robert Lee.

7.

The Christian, patriot, statesman,
  The warrior brave and bold,
Who loved his people better
  Than pomp, or power, or gold.

8.

And the brave men who followed him,
  The boys who wore the Gray;
We are coming fast from every land
  To keep Memorial Day."

9.

Lift up your eyes, dear Soldier!
  And raise your thoughtful head;
The cause for which you fought so well
  Was never lost or dead.

10.

Now hear the orator proclaim,
  In clear and ringing tone,
"Four hundred years have passed away,
  And the world has wiser grown.

11.

But we would have our children
Much wiser still to be,
So we've turned the page of History,
And chosen Robert Lee,

12.

Whose grand heroic character
Their building star shall be,
The man who lived for 'duty,'
Most noble Robert Lee."

13.

Four hundred years have passed away,
And the day begins to dawn!
Four hundred years have passed away
And the night is almost gone,

14.

When the morning shall awaken
And the shadows flee away,
And each true-hearted soldier
Shall shine as doth the day.

15.

Lift up your eyes, dear Soldier!
And raise your thoughtful head,
For truth and love and righteousness
Are never lost or dead.

—L. C., October, 1892.

SOUTH CAROLINA

LIST OF JUDGES FROM 1696 TO 1908

Edmund Bohum, Chief Justice. Appointed in 1696; died the same year.

Nicholas Trott, about the years 1712-1718. He was also Judge of the Provincial Court of Vice-Admiralty in 1715.

Richard Allen, Chief Justice. Chosen by the Legislature in place of Nicholas Trott, who was superseded.

Robert Wright, Chief Justice. Appointed in 1730; died in 1739.

Thomas Dale, Assistant Judge of the Courts of General Sessions and Common Pleas. Appointed March 5, 1736.

Robert Austin, Assistant Judge of the Courts of General Sessions and Common Pleas. Appointed April 8, 1737.

Benjamin De La Conseillere, Assistant Judge of the Courts of General Sessions and Common Pleas. Appointed April 8, 1737.

Thomas Lamball, Assistant Judge of the Courts of General Sessions and Common Pleas. Appointed April 20, 1737.

Thomas Dale, Chief Justice. Appointed in 1739, October 17th. Superseded in November.

Benjamin Whitaker, Chief Justice. Appointed November 7, 1739, removed in 1749, being paralytic.

Isaac Mazyck, Assistant Judge. Appointed February 5, 1740.

William Bull, Jr., Assistant Judge. Appointed February 5, 1740.

Robert Yonge, Assistant Judge. Appointed February 12, 1740.

Othniel Beale, Assistant Judge. Appointed July 3, 1741.

John Lining, Assistant Judge. Appointed August 15, 1744.

James Greaeme, Chief Justice. Appointed June 6, 1749; died in 1752.

Charles Pinckney, Chief Justice. Appointed September 22, 1752.

Peter Leigh, Chief Justice. Appointed October 27, 1753; died in 1759.

John Drayton, Assistant Judge. Appointed October 9, 1753.

James Michie, Chief Justice. Appointed September 1, 1759; died 1760.

William Simpson, Assistant Judge. Appointed February 27, 1769.

Robert Pringle, Assistant Judge. Appointed March 3, 1760.

William Simpson, Chief Justice. Appointed January 24, 1768.

Charles Skinner, Chief Justice. Appointed January 9, 1762.

Robert Pringle, Assistant Judge. Appointed March 23, 1762.

William Burrows, Assistant Judge. Appointed November 21, 1764.

Robert Brisbane, Assistant Judge. Appointed November 1, 1764.

Rawlins Lowndes, Assistant Judge. Appointed February 7, 1766.

Benjamin Smith, Assistant Judge. Appointed February 28, 1766.

Daniel D'Oyley, Assistant Judge. Appointed March 1, 1766.

George Gabriel Powell, Assistant Judge. Appointed August 10, 1769; superseded 1772.

Thomas Knox Gordon, Chief Justice. Appointed May 13, 1771.

Edward Savage, Assistant Judge. Appointed May 30, 1771.

John Murray, Assistant Judge. Appointed November 18, 1771.

John Fewtrell, Assistant Judge. Appointed November 19, 1771.

Matthew Coslett, Assistant Judge. Appointed April 23, 1772.

Wm. Henry Drayton, Assistant Judge. Appointed January 25, 1774.

William Gregory, Assistant Judge. Appointed November 4, 1774.

Wm. Henry Drayton, Chief Justice. Appointed April 12, 1776.

John Mathews, Assistant Judge. Appointed April 17, 1776.

Thomas Bee, Assistant Judge. Appointed April 15, 1776.

Henry Pendleton, Assistant Judge. Appointed April 17, 1776; died 1788.

Aedanus Burke, Assistant Judge. Appointed April 1, 1778.

Thomas Heyward, Assistant Judge. Appointed February 25, 1779; resigned in 1789.

John F. Grimke, Assistant Judge. Appointed March 20, 1779; resigned in 1783.

Thomas Waites, Assistant Judge. Appointed February 2, 1779; resigned in 1789.

William Drayton, Assistant Judge. Appointed March 17, 1779; resigned in 1789.

Judge Rutledge, Chief Justice. Elected and commissioned February 16, 1791; resigned in 1795, when President Washington appointed him Chief Justice of the United States Supreme Court. Presided at August term. Senate refused to confirm him as such Chief Justice December 15, 1795. Died in 1800.

Elihu Hall Bay, Associate Justice. Commissioned February 19, 1791.

William Johnson, Jr., Judge of the Courts of General Sessions and Common Pleas. Elected and commissioned February 10, 1800; resigned May, 1804.

Ephriam Ramsay. Elected and commissioned December 19, 1799.

Lewis Trezvant. Elected and commissioned February 10, 1800; died February 15, 1808.

Joseph Brevard, Judge of the Courts of General Sessions and Common Pleas. Elected and commissioned December 17, 1801.

Thomas Lee. Elected and commissioned May, 1804.

Samuel Wilds, Jr. Elected and commissioned December 11, 1804; died February, 1810.

William Smith. Elected and commissioned June 28, 1808.

Abraham Nott. Elected and commissioned December 5, 1810.

Charles J. Colcock. Elected and commissioned December 9, 1811.

Richard Gantt. Appointed December 14, 1815.

David Johnson. Appointed December 14, 1815.

Langdon Cheves. Appointed December 17, 1816, Judge Smith having resigned.

John S. Richardson. Appointed December 18, 1818.

Daniel Elliott Huger. Appointed December 11, 1819; resigned September, 1830.

William Dobien James. Appointed December 18, 1824; elected from Court of Equity.

Theodore Gaillard. Appointed December 18, 1824; elected from Court of Equity.

Thomas Waites. Appointed December 18, 1824; elected from Court of Equity.

John B. O'Neall. Appointed December 20, 1828.

Josiah J. Evans. Appointed December 12, 1829.

Wm. D. Martin. Appointed December 2, 1830; died November, 1833.

Bayles J. Earle. Appointed December 2, 1830.

A. Pickens Butler. Appointed December 5, 1833.

Judges of the Court of Equity.

John Rutledge. Commissioned 1784.
Richard Hudson.
John Matthews.
Hugh Rutledge.
James Green Hunt.
Aedanus Burke. Commissioned 1800.
Wm. Marshall. Commissioned 1800.
William James.
Waddy Thompson. Commissioned 1805.
Henry Wm. DeSaussure, 1808.
Theodore Gaillard, 1808.
Thomas Waites, 1811.
Henry W. DeSaussure, December 18, 1824.
Waddy Thompson, December 18, 1824; resigned December 16, 1828.
William Harper, December 20, 1828.
Job Johnstone, December 4, 1835.
Wm. Harper, December, 1835.
David Johnson, December, 1835.

Judges of the Court of Appeals.

Charles J. Colcock. Appointed December 18, 1824.

Abraham Nott. Appointed December 18, 1824.

David Johnson. Appointed December 18, 1824; died June, 1830.

William Harper. Appointed December 1, 1830.

John B. O'Neall. Appointed December 1, 1830. Elected Chief Justice in 1859; died December 23, 1863.

Chancellors.

J. J. Caldwell, H. W. DeSaussure, G. W. Dargan, Theodore Gaillard, Richard Hutson, James Greene Hunt, Wm. Harper, W. D. James, David Johnson, J. Matthews, William Marshall, Hugh Rutledge, Waddy Thompson. (See O'Neall's Bench and Bar, Vol. I, for above Chancellors.) Job

Johnstone, B. F. Dunkin, (elected Chief Justice 1865) F. H. Wardlaw, J. P. Carroll, John A. Inglis, Henry D. Lesesne, W. D. Johnson, Chancellors who, or a majority of whom, constituted the Equity Court of Appeals after December, 1834.

LAW JUDGES.

John Smith Richardson, John Belton O'Neall, Josiah J. Evans, Andrew Pickens Butler, David Louis Wardlaw, Edward Frost, T. J. Withers, Joseph N. Whitner, Thos. W. Glover, Robert Munro. Three elected under Constitution of 1865 as follows: F. J. Moses, T. N. Dawkins, A. P. Aldrich.

UNDER CONSTITUTION 1868.

JUSTICES OF THE SUPREME COURT.

F. J. Moses, Chief Justice.
A. J. Willard, Associate Justice.
S. L. Hoge, Associate Justice.

JUDGES OF THE COURTS OF COMMON PLEAS AND GENERAL SESSIONS.

First Circuit—R. B. Carpenter.
Second Circuit—Z. Platt.
Second Circuit—C. B. Farmer, *vice* Platt.
Third Circuit—J. T. Green.
Fourth Circuit—J. M. Rutland.
Fifth Circuit—L. Boozer.
Sixth Circuit—W. M. Thomas.
Seventh Circuit—T. O. P. Vernon.
Eighth Circuit—J. L. Orr.

Associate Justice S. L. Hoge resigned and J. J. Wright, a negro, was elected February, 1870, to fill vacancy.

Judge Boozer died and was succeeded by Hon. S. W. Melton.

R. F. Graham, elected February 9, 1872, First Circuit, *vice* Carpenter.

Montgomery Moses, elected February 21, 1871, Seventh Circuit, *vice* T. O. P. Vernon.

Thomas J. Mackey, elected January 27, 1872, Sixth Circuit.

C. P. Townsend, elected May 31, 1872, Fourth Circuit.

T. H. Cook, elected January 15, 1873, Eighth Circuit, *vice* Orr, resigned.

Jacob P. Reed, elected December 11, 1874, First Circuit, *vice* Graham.

John J. Maher, elected December 11, 1874, Second Circuit, *vice* Farmer.

J. A. Shaw, elected February 27, 1875, Third Circuit, *vice* Green.

L. C. Northrop, elected December 18, 1875, Judge Seventh Circuit.

C. P. Townsend, elected December 18, 1875, Judge Fourth Circuit.

Pierce L. Wiggin, elected December 11, 1875, Judge Second Circuit, *vice* Maher.

A. J. Willard, elected May 15, 1877, Chief Justice, *vice* Moses, C. J., deceased.

Henry McIver, elected May 18, 1877, Associate Justice Supreme Court.

Jos. B. Kershaw, elected June 7, 1877, Judge Fifth Circuit.

A. C. Haskell, elected December 5, 1877, Associate Justice, *vice* Wright.

W. H. Wallace, elected December 5, 1877, Judge Seventh Circuit, *vice* Northrop.

B. C. Pressly, elected February 14, 1878, Judge First Circuit.

A. P. Aldrich, elected February 14, 1877, Judge Second Circuit, *vice* Wiggin.

J. H. Hudson, elected February 14, 1878, Judge Fourth Circuit.

Thos. Thomson, elected February 14, 1878, Judge Eighth Circuit.

T. B. Fraser, elected December 30, 1878, Judge Third Circuit.

Samuel McGowan, elected December 11, 1878, Associate Justice, *vice* Haskell.

W. D. Simpson, elected December 18, 1879, Chief Justice.

I. D. Witherspoon, elected November 20, 1881, Judge Sixth Circuit.

J. S. Cothran, elected November 29, 1881, Judge Eighth Circuit.

J. J. Norton, elected December 22, 1886, Judge Eighth Circuit.

James Aldrich, elected December 2, 1889, Judge Second Circuit.

Jas. F. Izlar, elected February 15, 1890, Judge First Circuit.

Henry McIver, elected December 1, 1891, Chief Justice.

Young John Pope, elected December 4, 1891, Associate Justice.

Ernest Gary, elected November 26, 1892, Judge Fifth Circuit.

D. A. Townsend, elected December 1, 1893, Judge Seventh Circuit, *vice* Wallace.

Eugene B. Gary, elected December 1, 1893, Associate Justice, *vice* McGowan.

Richard C. Watts, elected December 1, 1893, Judge Fourth Circuit, *vice* Hudson.

William Christy Benet, elected December 1, 1893, Judge First Circuit, *vice* Izlar.

O. W. Buchannan, elected December 1, 1894, Judge Third Circuit, *vice* Fraser.

J. H. Earle, elected December 1, 1894, Judge Eighth Circuit, *vice* Norton.

Under Constitution December, 1895.

Supreme Court reorganized Justices in office not disturbed by Constitution.

Young John Pope, elected January 30, 1896. Associate Justice eight years.

Ira B. Jones, elected January 30, 1896. Associate Justice six years.

J. C. Klugh, elected January 22, 1896, Judge Eighth Circuit, *vice* Earle.

Ernest Gary, elected January 30, 1896, Judge Fifth Circuit.

Henry McIver, elected January 18, 1898. Chief Justice eight years. Died January 12, 1903.

D. A. Townsend, elected January 22, 1897, Judge Seventh Circuit.

J. C. Klugh, elected January 18, 1898, Judge Eighth Circuit.

R. C. Watts, elected January 18, 1898, Judge Fourth Circuit.

James Aldrich, elected January 18, 1898, Judge Second Circuit. Resigned December 1, 1907.

Wm. Christy Benet, elected January 18, 1898, Judge First Circuit.

George Williams Gage, elected January 18, 1898, Judge Sixth Circuit.

O. W. Buchanan, elected January 18, 1898, Judge Third Circuit.

R. O. Purdy, elected January, 1902, Judge Third Circuit.

C. G. Dantzler, elected January, 1902, Judge First Circuit.

C. A. Woods, elected Associate Justice.

Y. J. Pope, elected January 20, 1903, Chief Justice to fill unexpired term of Chief Justice McIver. Elected for the full term of eight years January 23, 1906.

D. E. Hydrick, elected January, 1905, Judge Seventh Circuit.

R. W. Memminger, elected February, 1905, Judge Ninth Circuit.

George E. Prince, elected February, 1905, Judge Tenth Circuit.

Under the Constitution of 1895, Supreme Court Justices are elected for eight years and Circuit Judges for four years.

Robt. Aldrich, elected January 21, 1908, Judge Second Circuit. James Aldrich resigned.

J. W. DeVore, elected February 20, 1908, Judge Eleventh Circuit.

S. W. G. Shipp, elected February 20, 1908, Judge Twelfth Circuit.

KERSHAW COUNTY LIBRARY 23347

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